



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxii.

An Act for more effectually repairing the Road from *Wansford Bridge*, in the County of *Northampton*, to *Stamford*; and from *Stamford* to *Bourn*, in the County of *Lincoln*. [22d June 1820.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled *An Act for effectually amending and repairing the Road leading from Wansford Bridge, in the County of Northampton, to the Town of Stamford, in the County of Lincoln*: And whereas another Act was passed in the Twenty-ninth Year of His said late Majesty, intituled *An Act for enlarging and altering the Term and Powers granted by an Act made in the Twenty-second Year of His present Majesty's Reign, for effectually amending and repairing the Road leading from Wansford Bridge, in the County of Northampton, to the Town and Borough of Stamford in the County of Lincoln; and for repairing the Road from the Borough of Stamford to Stapleford Bridge in the Parish of Ryhall in the County of Rutland, and from thence to Bourne in the County of Lincoln*: And whereas another Act was passed in the Sixteenth Year of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of Two Acts made in the Twenty-second and Twenty-ninth Years of the Reign of King George the Second, for repairing the Road from Wansford Bridge in the County of Northampton, to the Town and Borough of Stamford in the County of Lincoln, and from Stamford to Bourne in the said County; and for repairing and widening the Road from the North End of the Bridge to a Gate called Scotgate in Stamford, and from the Termination of the Turnpike Road in the Parish of Bourn to the Market Cross in Bourn*: And whereas another

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38G.3. c. 49. ther Act was passed in the Thirty-eighth Year of His said late Majesty King George the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and amend the Powers of Three Acts passed in the Twenty-second and Twenty-ninth Years of the Reign of King George the Second, and in the Sixteenth Year of the Reign of His present Majesty, for repairing the Road from Wansford Bridge, in the County of Northampton, to the Town of Stamford in the County of Lincoln, and from Stamford aforesaid to the Market Cross in the Town of Bourn in the said County of Lincoln, and from the North End of Stamford Bridge to Scotgate, both in Stamford aforesaid, which said Act expired at the End of the last Session of Parliament: And*

1G. 4. c. 12. whereas by an Act passed in the said last Session, intituled *An Act to continue until the Twenty-fifth Day of June One thousand eight hundred and twenty, such Laws as may expire within a limited Time, the said recited Acts were continued until the said Twenty-fifth of June One thousand eight hundred and twenty, when the same will expire: And whereas the Roads comprized in the said Four first-recited Acts were thereby divided into Two Districts, called the Wansford District and the Bourn District, and the Trustees authorized to put the said Acts in Execution have borrowed several Sums of Money on the Credit and Security of the Tolls thereby granted in each of the said Districts, which are still due on Security of the said Tolls, and cannot be paid off, nor can the said Roads be effectually improved and kept in Repair unless further Provisions are made for those Purposes; and it will be more convenient that all the Provisions for effectuating the Purposes aforesaid should be consolidated and comprized in one Act 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 from and after the Twenty-fourth Day of June One thousand eight hundred and twenty, the said recited Acts of the Twenty-second and Twenty-ninth Years of the Reign of His Majesty King George the Second, and the Sixteenth and Thirty-eighth Years of the Reign of His late Majesty King George the Third, shall be, and the same are hereby repealed and made void to all Intents and Purposes whatsoever.*

First recited
Act repealed.

Trustees
Names.

II. And be it further enacted, That the Reverend Richard Atlay, the Reverend Henry Atlay, the Reverend Charles Atlay, Thomas Graham Arnold M. D., the Reverend Martin Amphlet, Joseph Adams, John Andrew, Edward Brown, Henry Boulton, Samuel Barker, the Reverend William Baker, the Reverend William Brown, the Reverend Edward Brown, the Reverend Gregory Bateman, William Broughton, the Reverend John Butt, Hugh Bell, George Baileys, Henry Bott, John Bellingham, Bettison, the Reverend William Belgrave, the Reverend Robert Boon, the Reverend Henry Key Bonney, the Honourable Thomas Cecil commonly called Lord Thomas Cecil, Sir Montague Cholmley Baronet, Charles Chaplin, the Reverend Christopher Cookson, Benjamin Cooper, John Corrie, Thomas Chapman, the Reverend Richard Carey, Joshua John Proby, Earl Carysfort in the Kingdom of Ireland, John Chamberlain, Edward Cayley, George Richards Denshire, Charles Denshire, the Honourable Thomas Dawney, Charles Duncomb, Pouncefort Duncomb, John Dove, Thomas Dove, John Dove the younger, William Dove, the Reverend Ellicott, William

William Brown Edwards, George Fludyer, Evan Foulkes, the Reverend Thomas Foster, Samuel Richard Fydell, Henry Fryer, the Reverend Kingman Forster, the Reverend William Foster, John Gibson, Thomas Grosvenor, George De Ligne Gregory, William Hopkinson, John Hewson, William Hardwick, William Halford, Sir Gilbert Heathcote Baronet, James Hurst, Thomas Hurst, the Reverend John Hopkinson, Cheseldon Henson, Henry Hopkinson, Robert Heathcote, Thomas Hotchkins, the Reverend Samuel Edmund Hopkinson, Sir Robert Heron Baronet, William Augustus Johnson, Charles Johnson, the Reverend Edward Jones, Samuel Judd, the Reverend Knipe, the Reverend Brownlow Villiers Layard, Anthony Lewis Layard, Thomas Lloyd, the Right Honourable William Lowther, the Reverend Richard Lucas, the Reverend Richard Lucas the younger, Richard Luelllyn, John Rowland Litchford, John Linton, John Manby, William Munton, William Munton the younger, John Mawby, Sir William Manners Baronet, the Reverend John Myers, the Reverend John Myers the younger, John Manners, James McGuffog, John George De Mervielleux, the Honourable John Monckton, Francis Mawby, Sir Gerard Noel Noel Baronet, Charles Noel, William Noel, Thomas Noel, Robert Nickols of Toft, Robert Nickols of Stamford, George Vander Neunburg, the Reverend Henry Neville, Christopher Neville Noel, Matthew Newzam, Richard Norris, Stafford O'Brien, Donatus O'Brien, William Ostler, John Osborn, William Osborn, James Osborn, the Honourable Charles Anderson Pelham, the Reverend Thomas Parke, the Reverend William Pochin, Michael Pierrepont, Charles Pierrepont, William Pochin, Joseph Phillips, John Presgrave, Charles Roberts, Thomas Birch Reynardson, Thomas Rawnsley, William Reeve, James Rowe, John Roberts, William Stevenson, Nicholas Clarke Stevenson, Singleton, the Mayor, Recorder, Deputy Recorder, Alderman, Town Clerk, and Capital Burgesses of the Borough of Stamford for the Time being, Thomas Syson, the Reverend Charles Swann, Benjamin Smith, Valentine Stapleton, Sir John Trollope Baronet, Thomas Tryon, Edmund Turnor, the Reverend Richard Twopenny, Cotton Thompson, James Torkington, John Thorpe, William Thorpe, Sir Thomas Whichcote Baronet, John Wingfield, John Wingfield the younger, the Reverend Thomas Wingfield, Sir William Earl Welby Baronet, John Willis M. D., Thomas Woodroffe, the Reverend William Wing, the Reverend William Wing the younger, the Reverend William Waters, John Watmuff, Edward Wherry, James Watson, John Wyche; and all His Majesty's Justices of the Peace acting in and for the respective Counties of Northampton, Lincoln, and Rutland, together with such other Persons, not exceeding the Number of Ten, as the said Trustees shall appoint, shall be and they are hereby appointed Trustees for amending, widening, altering, improving, and keeping in Repair the said Roads from Wansford Bridge in the County of Northampton to Scotgate in the Borough of Stamford in the County of Lincoln, and from the same Road at the North-west Corner of Saint Mary's Church in Stamford aforesaid to the Market Cross in the Town of Bourn in the said County of Lincoln, where the same joins the Turnpike Road leading from Bourn to Lincoln, and for carrying the several Powers, Purposes, and Trusts of this Act into Execution; and that all the said Roads shall be divided into Two Districts; and that the said Road between Wansford Bridge and Scotgate, aforesaid shall form One District, and be called the Wansford District; and that the Road from the said North-west Corner of Saint Mary's Church, in the Town of Stamford aforesaid, to the Market Cross in Bourn aforesaid, shall form the other District, and be called the Bourn District.

Division of
Districts.

III. And

Debts contracted under former Acts secured by this Act.

III. And be it further enacted, That all and every Sum and Sums of Money, which on the said Twenty-fourth Day of *June* One thousand eight hundred and twenty, shall be due and owing on the Credit of the Tolls granted by the said former Acts, or any of them, in the said respective Districts, or either of them, together with the Interest on such of the same Sums as shall carry Interest, shall stand and be charged and chargeable on the Tolls by this Act granted and made payable in the said respective Districts, and may be recovered in like Manner as if the same had been contracted and secured on the Credit of the Tolls within the same Districts respectively granted or made payable by this Act; and that all Contracts entered into, and all Bonds, Conveyances, Deeds, and other Instruments in Writing duly made and executed by and between the Trustees appointed or acting under the Authority of the said recited Acts, or any of them, and any other Person or Persons whomsoever, shall stand, remain, continue, and be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

Proceedings under former Acts good Evidence.

IV. Provided always, and be it enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts, or any of them, or such Entry or Entries being made in such Book or Books according to the Directions of, and rendered Evidence by the said Acts, or any of them, shall be good and sufficient Evidence of such Proceedings in any Court whatsoever; any thing herein contained to the contrary thereof notwithstanding.

Power to appoint new Trustees.

V. And be it further enacted, That when and as often as any of the Trustees hereby named and appointed, or who shall be elected and appointed in the Manner herein-after mentioned, shall die, or by Writing under their respective Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees from Time to Time, at any Meeting to be holden in pursuance of this Act upon either of the said Districts of Road, by Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the Room of every or any Trustee so dying or refusing to act as aforesaid, Ten Days previous Notice of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer, herein-after directed to be appointed, by affixing such Notice in Writing upon all the Turnpike Gates then erected across the said Roads, and by inserting the same in some Newspaper printed or generally circulated in the said County of *Lincoln*; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act, shall and may act with the surviving and continuing Trustees in the Execution of this Act (having first taken the Oath of Qualification herein-before directed to be taken by Trustees), to all Intents and Purposes, as if he had been named and appointed Trustee in and by this Act.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, seised of or entitled to the Rents and Profits of Freehold or Copyhold Messuages, Lands, or Hereditaments, of the clear yearly Value of One hundred Pounds

Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons seised of or entitled to the Rents and Profits of Freehold or Copyhold Messuages, Lands, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Four thousand Pounds, above what will be sufficient to pay all his just Debts; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided always, that all Acts which shall have been done by any Person acting as a Trustee in the Execution of this Act, shall, previous to his being convicted of such Offence, be as valid and effectual as if such Person had been duly qualified to act in the Execution of this Act.

The Acts of unqualified Persons previous to Conviction shall be valid.

VII. And be it further enacted, That every Trustee before he shall act as such (except in administering the following Oath) shall take an Oath before One or more of the said Trustees (who is and are hereby empowered to administer the same) in the Form or to the Effect following; that is to say,

Trustees to be sworn.

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [or in Right of my Wife] seised of or entitled to the Rents and Profits of Freehold or Copyhold Messuages, Lands, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes: [And in case of an Heir Apparent] I *A. B.* do swear, That I am Heir Apparent to *C. D.* who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seised of or entitled to the Rents and Profits of Freehold or Copyhold Messuages, Lands, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes. [And in case of Personal Estate alone, or of Real and Personal Estate together], I, *A. B.* do swear, That I am truly and *bonâ fide* possessed of a Personal Estate [or seised and possessed of a Real and Personal Estate together] of the Amount or Value of Four thousand Pounds above what will be sufficient to pay all my just Debts; and that I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [here set forth the Title of this Act.]
So help me GOD.’

The Oath.

VIII. And be it further enacted, That such of the Trustees acting under or by virtue of this Act, for the Time being, as are or shall be in the Commission of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, or in the Commission of the Peace for the
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Trustees in the Commission of the Peace may act as Justices.

Trustees
who are
Mortgagees
may act.

said County of *Rutland*, or in the Commission of the Peace for the said County of *Northampton*, or who are or shall be Justices of the Peace within or for the Liberty of *Peterborough*, in the said County of *Northampton*, or who are or shall be Justices of the Peace within or for the Borough of *Stamford* aforesaid, shall and may act within their respective Divisions or Jurisdictions as Justices of the Peace in the Execution of this Act, notwithstanding such Justices respectively being Trustees as aforesaid; and that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Trustees not
to act while
they hold
Places of
Profit.

IX. And be it further enacted, That if any Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, shall have or accept of any Place of Profit, or be concerned or interested in any Contract or Contracts under this Act, such Person or Persons shall be incapable of acting as a Trustee or Trustees during the Time of his or their holding such Place of Profit as aforesaid.

All Acts
may be done
by Five Trust-
tees, unless
otherwise
directed.

X. And be it further enacted, That all Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees for the Time being, except only in the Cases hereby particularly directed or authorized to be done or executed by any greater or less Number of Trustees.

Meeting of
Trustees.

XI. And be it further enacted, That the said Trustees shall meet at the *George and Angel Inn*, in *Stamford* aforesaid, or at some other convenient House in the same Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees, or any Two or more of them, shall then, and from Time to Time afterwards, adjourn themselves to meet at the same Place, or at such other Place or Places in or near to the said Town of *Stamford*, and at such Times as they shall from Time to Time order and direct, for the Purpose of doing, performing, and transacting all Business, Matters, and Things, relative to the said respective Districts of Road; but no Adjournment of any Meeting on either of the said Districts of Road shall be made for a longer Time than Three Calendar Months; and for the Purpose of doing, performing, and transacting any Business, Matter, or Thing, relative to the *Bourn* District of Road, it shall be lawful for the Trustees to adjourn themselves to and hold a Meeting at the *Bull Inn* in the said Town of *Bourn*, or at some other convenient Place or Places in or near to the said Town of *Bourn*, Twice in every Year at the least, Half-yearly, or at such other Periods as they shall think proper; and if at any Meeting appointed to be holden by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day; or in case the Trustees at any Meeting assembled, shall not adjourn themselves, the Clerk or Treasurer of the said Districts of Road respectively shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpike Gates then erected across the District of Road on which any such Omission or Default shall take place, at

least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been holden, or at any other Place near thereto, on the Day Four Weeks next after the Day on which such last Meeting was appointed; provided that a General Annual Meeting of the Trustees for each of the said Districts shall be holden at some convenient Place within the said Town of *Stamford*, and not elsewhere.

XII. Provided always, and be it further enacted, That if, after any Adjournment of the said Trustees on either of the said Districts, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case, the Clerk or Treasurer of the said Districts of Road respectively, upon an Order in Writing, signed by any Three or more of the said Trustees (mentioning the Time, Place, and Purpose of such Meeting), shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (such Time not being less than Three Days after such Notice), and such earlier Meeting shall and may be held accordingly.

Meetings on Emergencies.

XIII. And be it further enacted, That the said Trustees at all their Meetings shall appoint One of the Trustees then present to preside as Chairman, and such Chairman shall have a decisive or casting Vote in all Cases where the Voices of the Trustees present shall be equally divided; and the Trustees at all their Meetings shall defray their own Expences.

Trustees to appoint a Chairman.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act upon either of the said Districts of Road, from Time to Time to make all necessary Orders, Directions, Appointments, Agreements, and Determinations in the Execution of this Act; and no such Order, Direction, Appointment, Agreement, or Determination shall be made, unless the Number of Trustees by this Act authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Order, Direction, Appointment, Agreement, or Determination, when made, shall be revoked or altered at any subsequent Meeting, unless Fifteen Trustees at the least shall be present, and the Majority of them shall concur therein.

How Orders of Trustees are to be made or revoked.

XV. And be it further enacted, That at the First or Second Meeting of the said Trustees for carrying this Act into Execution in the said respective Districts, or as soon after as conveniently may be, the Accounts of the Treasurer or Treasurers of the said Districts of Road respectively shall be produced, examined, and settled, in case the same shall appear correct to the said Trustees, and the Balance of each Account (if any) shall be carried over to a new Account with the Trustees acting in Execution of this Act on each of the said Districts, who shall make such Orders for the Disposal of any Money that may appear to be in the Hands of such Treasurer or Treasurers, agreeable to the true Intent and Meaning of this Act, or for reimbursing him or them, or any Person or Persons whomsoever, out of the Monies hereby authorized to be raised, any Money that may appear to be due to him, her, or them respectively, with lawful Interest during the Forbearance thereof, as the said Trustees may think proper.

Accounts of Treasurers under the former Acts to be passed, and fresh Accounts to commence.

XVI. And

For Appoint-
ment of Offi-
cers.

Salaries, &c.
to Officers.

How Officers
to account.

Penalty on
Refusal.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, by Writing under their respective Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, upon and for each District of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Resignation of any of them, to appoint others in their Stead; and the said Trustees are hereby authorized to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such Person or Persons as shall be assisting in the Execution of this Act, such Salaries and Allowances for their Trouble, Labour, and Service, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to them or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all the Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to give such Account, or to produce and deliver up such Vouchers as aforesaid, or to pay the Money due upon such Account in Manner aforesaid, or to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, Division, District, or Place where the Officer or Person so making Default shall be or reside, and such Justices, upon Complaint thereof made to them by any Five or more of the said Trustees, are hereby authorized and required to make Enquiry touching such Refusal, Default, or Neglect, as well by the Confession of the Parties themselves respectively, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said Justices, or any of them, are and is hereby empowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall upon such Conviction commit him to the Common Gaol or House of Correction of the same County or Place, there to remain without Bail or Mainprize until he shall have given or made such true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees (which Composition the Trustees are hereby empowered to make), and shall have paid such Composition in such Manner as the said Trustees shall appoint, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees, provided that no Person shall be so committed, as last aforesaid, for a longer Space of Time than Six Calendar Months.

Same Person
not to be
Clerk and
Treasurer.

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

has been or may be appointed to act as their Clerk in the Execution of the said recited Acts, or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who has been or may be appointed such Treasurer, or any Partner of such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the said Offices of Clerk and Treasurer, or being Partner of such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance; shall be allowed.

XVIII. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a separate Book or Books to be provided and kept by the Clerk of the said Trustees for the Time being for each of the said Districts; in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, for or on Account of the said respective Districts, which Book or Books shall and may be produced and given in Evidence in all Prosecutions, Cases of Appeal, Suits, or Actions, or any other Proceedings at Law or in Equity, touching or concerning any thing done in pursuance of the said former Acts, or either of them, or of this Act; and which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors respectively, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk, or any Person who shall have the Care and Custody of the said Book or Books, shall refuse or neglect, on Demand, to permit such Trustees or Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, the Clerk or Person offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Accounts to be open to the Inspection of Trustees and Creditors.

XIX. And be it further enacted, That upon the Death, Incapacity, or Absence of any Collector of the Tolls, it shall be lawful for any Three or more of the said Trustees, though not assembled at any Meeting appointed in pursuance of this Act, by any Writing under their respective Hands, to nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Place or Stead of such Collector as shall so die, or become incapable, or absent himself.

Trustees may appoint temporary Collectors.

XX. And be it further enacted, That the said Trustees shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and from any other Officers to be appointed in pursuance or for the Purposes of this

Treasurers, &c. to give Security.

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Act,

Act, for the faithful Execution of their respective Offices, as the said Trustees shall think proper.

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

XXI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing which shall be done contrary to or by virtue of this Act, upon either of the said Districts of Roads, in the Name of their Clerk or Clerks, Treasurer or Treasurers for the Time being of that District of Road, upon or concerning which the Matter, Cause, or Subject of Suit, Litigation, or Controversy shall arise or happen; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of the Clerk or Clerks, Treasurer or Treasurers of either of the said Districts, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, Treasurer or Treasurers, or by the Act or Acts of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the said Trustees; but that the Clerk or Clerks, Treasurer or Treasurers for the Time being, of the said Districts of Road respectively, shall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants, as the Case may be, in every such Action; and every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, on the respective District upon or concerning which such Action or Suit shall have originated; all such Costs, Charges, Damages, and Expences as by the Event, or in consequence of any such Action or Proceeding, he or they shall respectively pay, bear, expend, or be put unto, or become chargeable with, by reason of his or their being made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

Actions against Clerk and Treasurer to be brought in the Name of a Trustee.

XXII. Provided always, and be it enacted, That in any Action to be brought by the said Trustees against the Clerk or Clerks, Treasurer or Treasurers for the Time being, of either of the said respective Districts of Road, the same shall be commenced and prosecuted in the Name of One of the Trustees for executing this Act; and that no such Action shall abate or be discontinued by reason of the Death or Resignation, or by the Act of such Trustee, without the Consent of the Trustees for executing this Act, or any Seven or more of them; but that such Trustee in whose Name any such Action shall be brought, shall be deemed to be Plaintiff in every such Action, and shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act on the respective District upon or concerning which any such Action or Suit shall have originated, all such Damages, Costs, Charges and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being made such Plaintiff as aforesaid.

Power to erect Toll Gates.

XXIII. And be it further enacted, That the said Trustees, or any Seven or more of them, or such other Person or Persons as they shall appoint, shall and may upon each of the said Districts of Road continue, erect, or otherwise provide such and so many Toll Gates or Turnpikes in, upon, or across such Parts, and in such Places of the said respective Districts hereby directed to be repaired, and also such and so many Toll Gates or Turnpikes on the Sides of the said Districts of Road respectively,

respectively, and in, upon, or across any Lane or Bye-way that doth or shall lead into or out of the same, as the said Trustees or any Seven or more of them shall think proper; and also shall and may continue, erect, or otherwise provide a Toll House to each of the said Toll Gates or Turnpikes, with suitable Buildings and other Conveniences thereto; and inclose from the Sides of the said Roads convenient Gardens for the same, not exceeding Two Roods to each Toll House; and also shall and may, and they are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which now are, or hereafter shall be erected in, upon, or across, or on the Sides of the said Districts of Road respectively, to be removed and to be erected in, upon, across, or on the Side of such other Part or Parts of the said respective District as the said Trustees or any Seven or more of them shall from Time to Time order and direct, but no additional Toll Gate shall be erected or provided, nor shall any Toll Gate or Turnpike be removed as aforesaid, unless Twenty-one Days previous Notice of the Intention of erecting, and providing, or of removing the same (as the Case may be) shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the District of Road on which any additional Toll Gate or Turnpike intended to be erected, or any Toll Gate or Turnpike intended to be removed, are or shall be situate, and also inserted in some Newspaper, printed or circulated in the said County of *Lincoln*.

XXIV. And be it further enacted, That the Right, Interest, and Property of and in all the Toll Gates or Turnpikes and Toll Houses now erected; or which shall or may be hereafter erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Matters, and Things, which shall be purchased or provided for the Purposes of this Act on each of the said respective Districts of Road, shall be vested in the Clerk or Clerks, Treasurer or Treasurers of the said Districts of Road respectively for the Time being, and he and they is and are hereby empowered to sell, assign, transfer, apply and dispose of the same as Occasion shall require, and as the said Trustees from Time to Time shall order, direct, and appoint, and under the like Order, Direction, and Appointment of the said Trustees, to bring or cause to be brought any Action or Actions, or to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates, Turnpikes, or Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforesaid, or any Fences which shall be made or repaired by the said Trustees, or who shall do any act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, upon either of the said Districts of Roads, it shall be sufficient to state any of the Property, Matters or Things hereby declared to be vested in the said Clerk or Clerks, Treasurer or Treasurers, to be the Property of the Clerk or Clerks, Treasurer or Treasurers of the *Wansford* District of Road, or *Bourn* District of Road (as the Case may be), appointed under or by virtue of

Toll Houses,
&c. vested in
the Clerk or
Treasurer.

an

an Act passed in the First Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], without naming or otherwise describing them.

Tolls to be taken.

XXV. And be it further enacted, That the several Tolls herein-after particularly mentioned shall be demanded and taken at each and every of the Toll Gates or Turnpikes which shall be continued, erected, or provided in pursuance of this Act, upon each of the said Districts of Road, or on the Side or Sides thereof respectively, or in, upon, or across any Lane or Byeway leading into or out of the same or either of them (except as herein-after is expressly directed or provided to the contrary), before any Horse, Cattle, Carriage, or other Thing upon which any Toll is by this Act imposed, shall be permitted to pass through the same; that is to say,

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaise, Curricule, Calash, Hearse, Chaise Marine, Chair, Gig, Whiskey, Taxed Cart or other Carriage of the like Kind, the Sum of Sixpence :

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage of the like Kind, having the Wheels of the Breadth of Six or more Inches, the Sum of Three-pence :

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage of the like Kind, having the Wheels thereof of a less Breadth than Six Inches, the Sum of Sixpence :

For every Four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart, or other Carriage drawing, if empty, One Shilling; but if in any Manner laden, or having any Person therein, Two Shillings :

For every Two-wheeled Carriage having any Person therein, or being laden in any Manner, fixed to any Waggon, Wain, Cart, or other Carriage drawing, the Sum of One Shilling; and unladen or empty, the Sum of Sixpence :

For every Pair of Mill Stones, or Block or Blocks of Timber, drawn by Five or more Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence :

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number :

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number.

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

XXVI. Provided always, and be it further enacted, That all Waggon, Carts, and other such Carriages having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

XXVII. And

XXVII. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver to the Person or Persons paying the same, a Ticket or Tickets, denoting such Payment, and specifying and naming thereon the Gate or Gates (if any) freed from Toll by such Payment.

Collectors to deliver Tickets.

XXVIII. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Tolls or Duty for passing through any of the said Turnpikes or Toll Gates on either of the said Districts of Road respectively, shall be liable to pay any Toll or Duty for repassing through the same Turnpikes or Toll Gates, or any of them on the same District on which such Toll has been paid, with the same Horses, Cattle, Beasts, and Carriages on the same Day, to be computed from Twelve o'Clock in one Night to Twelve o'Clock in the succeeding Night, such Person producing a Ticket denoting the Payment of such Toll; but that all and every Person and Persons who shall have passed and repassed once in the same Day through the same Turnpikes or Toll Gates as aforesaid, on either of the said Districts of Road respectively, shall afterwards be subject and liable to the Payment of the like Toll or Duty for every subsequent Time such Horses, Cattle, Beasts, or Carriages shall pass or pass and repass through the same Turnpike or Toll Gate during the same Day; any thing herein contained to the contrary notwithstanding.

Tolls not to be again paid on repassing Toll Gates.

XXIX. Provided always, and be it further enacted, That no more than the several Tolls herein-after mentioned shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages through all the Toll Gates or Turnpikes erected or to be erected upon or on the Sides of the said Road; that is to say, no more than Three Tolls within the said *Wandsford* District, and no more than Three Tolls within the said *Bourn* District.

Number of Tolls to be taken.

XXX. And whereas the several Tolls now payable by virtue of the said recited Act of the Thirty-eighth Year of the Reign of His said late Majesty, with the several Toll Houses and Appurtenances thereunto belonging, situate upon the said Districts of Road respectively, are now on Lease for the Term of Three Years, expiring the First Day of *November* next; and it being expedient to vacate the same, be it therefore enacted, That from and after the First Day of *July* next ensuing the passing of this Act, the said several Leases, and all and singular the Powers, Provisoes, Clauses, Covenants, Articles, and Things therein contained, shall cease, determine, and be of none effect; and that it shall be lawful to and for the said Trustees to enter into Possession of the said Tolls, Toll Houses, and Appurtenances respectively; and for the Purpose of making Compensation and Satisfaction to the Lessees for the Loss or Damage (if any) they may respectively sustain by the Vacation of such Leases, it shall be lawful to and for the said Trustees to enquire into and estimate the Amount of all such Loss or Damage as nearly as the same can be ascertained; and forthwith to pay out of the Monies which may be in the Hands of the Treasurer of the said Districts of Road respectively, or which shall be received under or by virtue of this Act, all such Sum or Sums of Money as shall be by them deemed and considered an Equivalent or Compensation for the Loss or Damage the said Lessees or any or

For vacating Leases of Tolls.

either of them may have sustained by the vacating of their respective Leases.

Compelling
Payment of
Tolls.

XXXI. And be it further enacted, That the several and respective Tolls or Sums of Money by this Act granted upon each of the said Districts of Road, shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any such Tolls, or any Part or Parts thereof, upon either of the said Districts respectively, shall, after Demand thereof made by any Collector or Collectors, or other Person or Persons authorized to receive the same, either at the Gate, Bar, or Chain, where such Tolls shall be collected, or immediately after passing through the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized, by himself, herself, or themselves, or taking such Assistance as he, she, or they, shall think necessary, to seize and distrain any Horse or Cattle, Beast or Carriage, or other Thing upon which any Toll is by this Act imposed, or any of the Loading, Harness, or Accoutrements thereof respectively (but not the Bridle or Halter apart from the Horse or other Beast), or any of the Goods and Chattels of or in the Possession of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Costs of taking and keeping such Distress, shall not be paid within the Space of Four Days after the Day of making the same, the Person or Persons so distraining, shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods and Chattels so distrained, and out of the Money which shall arise by such Sale, pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof, or Person or Persons in whose Possession or Custody the same were, was, or appeared to be, at the Time of the taking any such Distress.

For settling
Disputes
concerning
Tolls.

XXXII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, and the Charges of such Distress, shall be ascertained by some Justice or Justices of the Peace for the County, Division, or District in which such Distress shall be made; who upon Application made to him or them for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Tolls due, and assess and award such Costs to be paid by either of the Parties to the other of them as he or they shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices.

Collectors
competent
Witnesses.

XXXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any Way relating to the said Tolls, the Lessee or Lessees thereof, or the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the

the said Trustees, shall not be incompetent, on account of his being so appointed or acting, to give Evidence in any such Dispute, Suit, or Litigation.

XXXIV. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Districts of Road respectively, or appointed or continued either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate, to be continued or erected by virtue of this Act, upon either of the said Districts of Road respectively, shall and he and she is hereby required to place his or her Christian and Surname painted on a Board in legible Characters in the Front, or some other conspicuous Part of the Toll House or Toll Gate immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground; and shall continue the same, so placed, during the whole Time he or she shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he or she shall be authorized to do by Law, or by virtue or in pursuance of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or in any wise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to any such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket, denoting the Payment of the Toll, and naming and specifying the several Gates (if any) freed by such Payment (all which Tickets the Collectors are hereby required to deliver *gratis* on Payment of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings, as the Justice or Justices before whom such Offender or Offenders shall be convicted shall adjudge and determine to be paid for every such Offence.

For punishing Collectors for Misconduct.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen all or any of the Tolls hereinbefore granted or made payable by virtue of this Act, upon each or either of the said Districts of Road, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted or made payable by virtue of this Act; and so as every such Reduction be made with the Consent of the Person or Persons for the Time being entitled to Four-fifth Parts of the Money then due on Security of the said Tolls, payable upon the District on which such Reduction shall be made, and so as that such Reductions shall be general; and such Tolls so varied, and every of them, shall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken, are directed to be collected, recovered, and applied; but no such

Tolls may be varied.

Alteration

Alteration shall be made after the Second Meeting of the said Trustees, unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Turnpikes then erected across the District of Road on which such Variation is intended to be made, and also inserted in some Newspaper printed or generally circulated in the County of *Lincoln*.

Exemptions
from Toll.

Materials for
repairing
Roads.

Manure.

Grass, Hay,
&c. the Pro-
perty of the
Grower.

Horses em-
ployed in
Husbandry.

Horses, &c.
going to or
from Water
or Pasture,
&c.

Persons at-
tending
Places of
Worship.

Mails.

Royal Fa-
mily.
Soldiers.

Vagrants.

Elections.

XXXVI. And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or in going to carry or convey, or returning empty from carrying or conveying on the same Day, any Stone, Brick, Gravel, or other Materials for repairing the said Districts of Road respectively; or for repairing the Highways in any Parish or Place through which or into which any Part of the said Roads pass; or laden only with Dung, Marl, Soil, or other Manure (Lime excepted), to be used in manuring of Lands or Grounds; or with any Grass, Hay, Clover, Fodder of any Sort, Straw or Corn in the Straw, not sold or disposed of or going to be sold or disposed of, but to be laid up in any of the Houses, Outhouses, Yards, Barns or Premises of any of the respective Inhabitants or Occupiers of Land, within the said respective Parishes or Places; nor for any Cattle drawing or going with, or going empty or returning empty after being laden only with any Ploughs, Harrows, or other Implements of Husbandry belonging to any such Inhabitant or Occupier, nor for any Horse or Horses, or other Cattle going to or from Water, Pasture or Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes or Places; or going to be or returning from being shod or farried; nor shall any Toll be demanded or taken of or from any Rector, Vicar or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty, or by any other Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for the Purpose of attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes or Places; or of any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, or in returning back from carrying or guarding the same, or any Horses or Carriages attending His Majesty or any of the Royal Family; or for the Horses of Soldiers upon their March, or upon Duty, or for Horses, Cattle or Carriages attending, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, or Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskies, Chairs, or other Carriages or Passengers on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the Counties of *Northampton*, *Lincoln*, or *Rutland*

land respectively, or on the Day before or Day after such Election or Elections respectively shall begin or be concluded, the Persons travelling thereby being Freeholders and entitled to vote at such Election or Elections; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Yeomanry.

Penalty on unlawfully claiming Exemptions.

XXXVII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided and used only for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or by 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 the Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages conveying Military Stores not to be subject to the Penalties for Overweight.

XXXVIII. And be it further enacted, That if any Person or Persons whomsoever owning or occupying any Lands or Grounds near to the said Roads, shall knowingly or wilfully permit or suffer any Person or Persons (save and except his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Employ, or any of his or their Family), to pass through any inclosed Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or Carriage, on which a Toll is by this Act imposed, with an Intent to evade the Payment of the said Toll; or if any Person or Persons owning, going in, or driving any such Carriage, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way (not being the Owner or Owners, Occupier or Occupiers thereof, nor any of his, her, or their Servant or Servants, or a Person or Persons in his, her, or their Employ, or Part of his, her, or their Family), with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall unload, or cause to be unloaded, any Goods or other Things, or shall take off, or cause to be taken off, any Horse or Beast of Draught, from any Carriage, and having passed through any of the said Toll Gates, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same, upon any Part of the said Roads, or either of them, with Intent to avoid

To prevent the evading of Tolls.

[Local.]

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or

or evade the Payment of any of the Tolls hereby imposed, or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable), any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes, without Payment thereof at such Gate or Gates, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted on the Oath of one or more competent Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County or District wherein any such Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer to the Trustees of the said Districts of Road respectively, to be applied for the Purposes of this Act.

Roads may be stopped to prevent evading Tolls.

XXXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for any such County, Division, or District within their respective Jurisdiction at any Special Session, by Order under their Hands and Seals, to stop up and discontinue any Bye-lane or Road opening into or communicating with either of the said Districts of Roads, by Means whereof the Tolls hereby made payable or any of them can or may be evaded, if they shall think proper so to do; but subject to such private or Occupation Roads, if any, as they shall think necessary; so that public Notice be given of the Time, Place, and Purpose of such Special Session, in the same Manner as by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act as to stopping up of unnecessary Roads*, is directed with respect to the stopping up of unnecessary Roads; which Order shall be subject to Appeal in like Manner as in the said last-mentioned Act is provided or mentioned with respect to Orders for stopping up unnecessary Roads.

Power to compound for Tolls.

XL. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Townships, or Districts, into or through which the said Two Districts of Roads respectively lead, for the Passage of their Horses, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes, erected or to be erected on the said Roads, or on the Sides thereof.

Power to lease Tolls.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time to lease and demise the Tolls granted by this Act upon the said Districts of Road respectively, or either of them, or any Part or Parts thereof, 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 and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements as the said Trustees shall think

think fit; they the said Trustees having a Duplicate or Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases as the said Trustees shall think fit; provided always, that One Calendar Month previous Notice thereof in Writing be given by affixing the same upon all the Turnpikes erected across the District of Road upon which such Tolls intended to be let are payable; and by inserting the same in some Newspaper printed and circulated in the said County of *Lincoln*.

XLII. And be it further enacted, That in case the Tolls from all or any of the Turnpikes, Toll Gates, or Weighing Engines, erected or to be erected upon either District of the said Roads, shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall respectively be demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in Arrear and unpaid by the Space of Thirty Days next after the Days on which the same ought to be paid, pursuant to the Contract and Agreement for letting the same; or if any Collector or Receiver of the Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, or Engine or Engines, with the Buildings and Appurtenances respectively thereto belonging, for the Space of Two Days next after Demand thereof in Writing, signed by any Five of the Trustees, or by their Clerk or Treasurer respectively, with their Authority, and left in such Toll House or Houses, or the Residence of the Person or Persons employed to collect the Duties at such Engine or Engines, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County or Place where the Premises shall be situate, by Warrant under his Hand and Seal, to order the Constable, or other Peace Officer of the Parish or Place where the Premises shall be situate, or any other Person or Persons to whom such Warrant shall be especially directed, to enter into and upon the Possession of such Toll House or Houses, or Weighing Engine or Engines, and other Buildings and Premises, in the Day-time, and remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Collection of the Tolls or Duties there payable, and to put the said Trustees, or any of their Officers, or any other Person or Persons appointed by the said Trustees, or any Five or more of them, into Possession thereof, and on such Lessee or Lessees, Farmer or Farmers, or any other Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Lease or Leases, or Contract or Agreement for leasing and letting the said Tolls or Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes, as if such Demise, Contract, or Agreement, had never been made (save as to the Covenants or Agreements for the Payment of the

To enable Trustees to take Possession of Toll Houses, &c. in the Hands of Lessees, Farmers, or Collectors.

the Rent or Rents thereby reserved and made payable, and any Bond or other Security for Performance thereof respectively); and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case to demise or let to farm the said Tolls or Duties again to any other Person or Persons, in the same Manner as if no former Demise, Contract, or Agreement had been made or entered into relative to the same.

Power for borrowing Money on Security of the Tolls.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees on each of the said Districts of Road respectively, at any of their Meetings to be held in pursuance of this Act, to borrow and take up at Interest upon the Credit of the Tolls to arise by virtue of this Act upon the said respective Districts, in such Manner as they shall think proper, any Sum or Sums of Money they shall think fit to borrow upon each or either of the said Districts for all or any of the Purposes of this Act, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected across the District in which such Money is intended to be borrowed, and to be published in some Newspaper printed or circulated in the said County of *Lincoln*; and they the said Trustees are hereby empowered from Time to Time, at any of their Meetings by any Writing or Writings under their Hands, to assign over or mortgage the respective Tolls or Duties hereby granted on the said respective Districts of Road, or any Part or Proportion, Parts or Proportions thereof respectively, during the Continuance of this Act (the Charges of such Assignments and Mortgages to be paid out of the Tolls arising on the respective District in which such Money shall be borrowed) as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money respectively, his, her, or their Trustee or Trustees, and to their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with such Interest for the same as shall be agreed upon in that Behalf, which Mortgage may be in the Form or to the Effect following; that is to say,

‘ BY virtue of an Act passed in the First Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the Title*
 ‘ *of this Act*], we, Five of the Trustees for executing the said Act, in
 ‘ Consideration of the Sum of _____, paid to the Treasurer
 ‘ of the _____ District of the said Road by _____, do assign
 ‘ unto the said _____ such Proportion of the Tolls arising or to
 ‘ arise upon the _____ District of the said Road as the said Sum
 ‘ of _____ shall bear to the whole of the Principal Money for
 ‘ the Time being due on Security of the said Tolls, to hold the same
 ‘ unto the said _____ his Executors, Administrators, and Assigns,
 ‘ until the said Sum of _____, with Interest at the Rate
 ‘ of _____ *per Centum per Annum* shall be fully paid. Dated this
 ‘ _____ Day of _____ in the Year of our Lord _____.’

Copies to be entered.

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

Title, and Interest in or to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Transfer shall be produced and notified to the said Clerk or Treasurer respectively, within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in the like Manner assign and transfer the same, and so *toties quoties* and after such Entry as aforesaid, it shall not be in the Power of any Person or Persons who shall have made such Transfer, to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof.

XLIV. Provided always, and be it enacted, That all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted upon the respective Districts of the said Road upon which such Mortgages or Assignments respectively shall be made, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies or of the Dates of their respective Securities; save and except such Sum or Sums of Money which the said Trustees shall deem expedient to borrow upon either of the said Districts of Road for the Purpose of liquidating and discharging the Costs and Expences incurred by the obtaining of this Act, or for the paying or discharging to any Person or Persons any Demand or Balance of his, her, or their Account or Accounts which, at the said First or Second Meeting of the Trustees, to be held in pursuance of this Act, shall be stated and appear to the said Trustees to be due and owing to any such Person or Persons respectively, and which Sum or Sums (if any) so to be borrowed for the Purpose last aforesaid, and the Security or Securities upon which the same are held, shall have Priority, and be first paid and discharged from and out of the Tolls arising out of the District of Road on the Credit of which such Money shall be borrowed or taken up; any thing herein contained to the contrary notwithstanding.

No Priority amongst Mortgagees,

except as to Money borrowed for Payment of the Expences of this Act, &c.

XLV. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Wansford* District, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the said District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the First Place in Payment of Three-fourth Parts of the whole of the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balances (if any) which shall be due to the Treasurer

Application of the Money upon the Wansford District.

[Local.]

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sureur or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the said District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of repairing the same, and of altering, widening, turning, repairing, and improving the same District of Road, and purchasing Lands for those Purposes, and of executing the several other Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid; and it shall be lawful for the said Trustees from Time to Time to ascertain the Order and Priority in which the same several Principal Sums shall be reduced or paid off and discharged, by Ballot, or in such other Way and Manner as they shall think fit.

Application
of the Money
upon the
Bourn Dis-
trict.

XLVI. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced upon the said District of Road called the *Bourn* District, and which shall be undisposed of on the Day of the Commencement of this Act; and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable upon the said District, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act upon the same District, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the First Place, in Payment of One-fourth Part of the whole Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging the Balance, if any, which shall be due to the Treasurer or Treasurers of the same District, or other Person or Persons as aforesaid, with lawful Interest for the same during the Forbearance thereof; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act upon the same District; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said District of Road, and purchasing Lands for those Purposes, and of executing the several other Powers, Purposes, and Trusts of this Acts; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid; and it shall be lawful for the said Trustees from Time to Time to ascertain the Order and Priority in which the same Principal Sums shall be reduced or paid off and discharged, by Ballot, or in such other Way or Manner as they shall think fit.

Ejectment
may be sup-
ported by
One Mort-
gagee.

XLVII. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls arising upon either of the said Districts of Road, shall seek to obtain Possession of the said Tolls, or the Toll Gates or Turnpikes erected or to be erected thereon, in order to pay himself, her-
self,

self, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

XLVIII. And be it further enacted, That the Surveyor or Surveyors of the said Districts of Road respectively, and such Persons as shall be employed by him or them, or by the said Trustees, is and are empowered to cut, dig, gather, and take away any Stone, Gravel, Sand, or any other Materials proper for repairing the said Roads, or any Arches or Bridges in or upon the same, or on the Side or Sides thereof, out of or from any Commons, Moors, or Waste Grounds, common River or Brook, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, without paying any thing for the same, such Surveyor or other Persons sloping down the Banks or Pits where such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers and Cattle; and where there is not sufficient of any such Materials to be procured in any Commons or Waste Grounds, common River or Brook, the said Surveyor or Surveyors or other Persons as aforesaid, may, by Order of any Two Justices of the Peace for the County or District in which the Materials intended to be taken are situate, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons in any Parish, Township, or Place, in which any Part of the said Roads shall lie or be situate (not being a Yard, Orchard, Garden, Park, Paddock, or Plantation, or Nursery for Trees), making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be cut, gathered, taken, or carried away, or over which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, as any Two Justices of the Peace, at their Petty Sessions within their respective Jurisdictions, shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

Materials may be got in Wastes, without paying for them;

and in private Lands, making Satisfaction.

XLIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her last or usual Place of Residence, to appear before any Two or more Justices of the Peace for the County or District wherein such Lands or Grounds lie, to show Cause why such Materials should not be had from such Lands or Grounds; and

Surveyors not to get Materials in private Grounds till after Notice.

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in case such Owner or Occupier shall attend pursuant to such Notice, and shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, or his or her Agent, had attended.

Penalty on taking away Materials got by the Surveyor.

L. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers, and who may get Materials therein for their own Use only, and not for the Use of any other Highway, or for Sale), every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For preventing Nuisances.

LI. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow, on any Foot-way or Causeway adjoining to the said Roads on either of the said Districts, or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Roads; or shall cause any Damage to be done to the Hedges, Fences, Breast Walls, Posts, Rails, or Paling set up along the Side of or upon such Footway; or shall in or upon any Part of the same Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter-house, House, Building, Butcher's Shop or Shambles, into the said Roads, or shall in any Part or Parts of the said Roads, or in any exposed Situations near thereto, burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks, or hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber; or shoe, farry, or bleed any Horse, Mule, or Ass, except in the case of Accidents; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than wholly upon a wheeled Carriage, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon wheeled Carriages to drag on any Part of the said Districts of Road to the Prejudice thereof respectively, or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person shall turn, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain upon the said Roads to graze or depasture on the Sides thereof; or if any Person

son driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his or their Care; or if any Person shall make or assist to make any Fire or Fires, commonly called Bonfires; or pitch or erect any Tent, Canvass, or other Convenience for the Purpose of lodging therein or abiding thereat, or for any other Purpose whatsoever; or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games on any Part or Parts of the said Roads, or bowl or trundle any Hoop or Hoops, or raise or fly any Paper Kite upon or over the said Roads or any Part thereof, or any Street, Lane, or Place leading into or out of the same, and near thereto, or be aiding or assisting therein to the Annoyance of any Passenger or Passengers; or if any Person or Persons, after having blocked or stopped any Carriage whatsoever in going up a Hill or any other rising Ground, shall leave or permit, or suffer to be or remain in the said Roads or any Part thereof, the Stone or other Thing made use of in blocking or stopping such Carriage; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Roads longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto; or in case the same shall not during such Time be drawn up or placed as near to the Side of the Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth; Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon, every Person so offending shall, for each and every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent any Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Ashes, Dung, Filth, Rubbish, Straw, or otherwise; and to turn any Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit or Watercourse adjoining or near to the said Roads, or any Part thereof respectively, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Five Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees by Writing under their Hands) shall from Time to Time be reimbursed to the Surveyor or

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Surveyors.

Surveyor
to remove
Annoyances.

Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or by the Person or Persons occasioning, or neglecting, or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every Person shall, for every such Second or subsequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors empowered to remove sudden Obstructions without Notice.

LIII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint on the said Districts of Road respectively, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things, as shall suddenly fall or be blown down from any Hedge, Bank, or Land, into or upon any Part of the said respective Districts, by this Act authorized to be repaired, so as to narrow or obstruct the Passage along the same, and to carry and place the same on any Waste Ground near thereto, so as the same be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things shall so slide or fall, or be blown down as aforesaid; and the Charges of carrying away the same (to be settled by the said Trustees), shall be reimbursed and paid to such Surveyor or Surveyors, by such Owners or Occupiers, and recovered in such Manner as the Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Preventing Buildings or Trees being placed too near the Road.

LIV. Provided always, and be it further enacted, That no Building or Buildings shall be hereafter erected and built nearer than Thirty Feet from the Centre of the said Roads, nor shall any young Tree or Trees be hereafter planted or permitted to grow up within Thirty Feet from the Centre of the Road; and if any Buildings shall be erected, or any Trees planted contrary to the Directions aforesaid, it shall be lawful for the said Trustees, or any Person or Persons authorized by them to take down, or cause to be taken down, any such Buildings or Trees as a public Nuisance, and to remove the same, and every Part thereof, without making any Compensation to the Owner or Owners, for Damages, Trespass, or otherwise.

To prevent Encroachments by Fences.

LV. And be it further enacted, That no Person or Persons whatsoever shall make, raise, or set any New Inclosure, Wall, or Hedge, or Fence of Thorns or Quicks in or upon any of the Lands or Grounds next adjoining to the said Roads, nearer to the Centre thereof than Thirty Feet; and that if any such New Inclosure, Wall, Hedge, or Fence shall be made, it shall be lawful for the said Trustees, from Time to Time, to order such New Inclosure, Wall, Fence, or Hedge, to be levelled, thrown down, and removed, and to levy the Expence attending such levelling, throwing down, and removal, upon the Offender or Offenders, in the same Manner as any Penalties and Forfeitures are by this Act directed to be levied.

LVI. And

LVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the Road, on either of the said Districts, shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, or may hereafter be erected, and open and swing outward towards the said Road, on either of the said Districts, to be altered and made to open and swing inward, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is, or are, or shall be constructed, so as to open and swing outward towards the Road, upon either of the said Districts, shall (after Twenty-one Days Notice from the Surveyor of the said District of Road, requiring him, her, or them, to alter any such Gate or Gates, and to make the same to open and swing inward), refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Gates to open
inwards.

LVII. And be it further enacted, That the said Trustees shall cause Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides of the said Roads in proper Situations, and at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles and Distances of Places, and also Direction Posts where any other Road or Roads lead out of or into the same Roads; and shall also provide, set up, or affix and continue, as Occasion may require, proper Lamps in any Street, Lane, or Place upon the said Roads they may think it necessary to do, for the Safety and Convenience of Travellers, and at the respective Toll-houses and Weighing Engines; and if any Person or Persons shall wilfully break, pull down, destroy, or damage any of the Stones, Posts, or Lamps, which shall be so fixed or set up, or any Thing belonging thereto, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made on any of the said Stones or Posts, or any Part thereof, or cause or procure the same to be done, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Mile Stones
and Direc-
tion Posts,
&c. to be
erected.

LVIII. And be it further enacted, That it shall be lawful for the said Surveyors, and any other Person or Persons by Order of the said Trustees, to make or cause to be made all necessary, proper, and convenient Ditches, Drains, and Watercourses in, upon, or on the Sides of the said Roads, or any Part thereof, and also through any Grounds lying contiguous thereto, not being a Garden, Orchard, Yard, Paddock, or planted Walk, or Avenue to any House; and to pull down, take away, and remove any Encroachments, Posts, Rails, or any other Nuisance whatsoever to or upon the said Roads, or any Part thereof; and also to erect, build, and keep in repair Bridges and Arches upon the said Roads and across any such Ditch, Drain, or Watercourse as aforesaid, and to make sufficient Barriers and other Erections on any Part or Parts of the said Roads, in order to prevent the same from being flooded or overflowed with Water, and to cut down and remove any Trees or Underwoods growing in or upon the said Roads, or any Part thereof, where such Road is not Thirty Feet wide, and also to make, or cause to be made, any temporary Road or Roads through, over, and along the Grounds adjoining

Surveyors
may make
Causeways,
Drains, &c.

ing to any narrow or ruinous Part or Parts of the said Road (except as herein-after is mentioned), to be made use of as a Road whilst the old Road is repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners and Occupiers of such Ground so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case any Difference shall happen between such Owners and Occupiers and the said Trustees, touching such Damages, the same shall be settled by the Justices of the Peace for the County, Division, or District in which the Lands are situate, at their General or Quarter Sessions of the Peace to be held for such County, Division, or District, next after such Difference shall arise.

Owners refusing to scour Watercourses, the Surveyor may set men to cleanse the same, and levy the Charge.

LIX. And be it further enacted, That if any Owner or Occupier of any Watercourse or Watercourses, Ditch or Ditches, adjoining the said Road, shall refuse or neglect to scour, deepen, and cleanse the same Twice in every Year, in such Manner as the said Surveyor or Surveyors, or such other Person or Persons shall order and direct, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors respectively, or other Person or Persons, then and in every such Case it shall be lawful for such Surveyor or Surveyors, or other Person or Persons, and he and they is and are hereby authorized to employ any Person or Persons to scour, deepen, and cleanse the same, and by Warrant from the said Trustees to levy the Charges thereof upon the respective Owners or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to him, her, or them, upon Demand.

Power to make Footpaths, and Penalty for injuring them.

LX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause Footpaths or Causeways to be made on the Sides of the said Road in each District respectively, or any Part or Parts thereof; and if any Person or Persons shall ride upon any Footpath or Causeway by or on the Sides of the said Road, or any Part or Parts thereof, made by the said Trustees, or any Surveyor or Surveyors of the Highways, or any other Person or Persons within any of the Parishes or Places through which the said Roads or any Part or Parts thereof do or shall lead or pass, or shall wilfully pull up, destroy, injure, or damage any Stones, Posts, Rails, or other Safeguards set or placed for the Preservation thereof, or for the Protection of Passengers along the same, or drive any Horse, Mule, Ass, Cattle, Beast, Pig or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Hand-cart thereon, or shall wilfully cause any Damage whatsoever to be done thereto, or shall lay any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever, upon the said Footpaths or Causeways, or any Part thereof, or upon any Part or Parts of the said Districts of Road respectively within the Boundary Fences thereof, or shall obstruct or impede the Passage upon the same, every such Person shall, for every such Offence, forfeit, and pay any Sum of Money not exceeding Forty Shillings, as the Justice, or Justices before whom such Offender or Offenders shall be convicted, may adjudge, order, and direct.

Power to divert the

LXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized, and

and empowered from Time to Time to widen, divert, shorten, vary, turn, and alter the Course or Path of any Part or Parts of the said Roads, through any Waste Grounds, Commons, or uncultivated Lands, without making any Satisfaction for the same, and also through any private Lands, Grounds, or Hereditaments, not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, Yard, Garden, Park, Paddock, or Avenue to any House, or Nursery, or Plantation for Trees, first making Satisfaction to the Owners and Occupiers thereof, and Persons interested therein, for the Damages they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees or any Seven or more of them, to treat, contract, and agree with the Owners and Occupiers of and Persons interested in any Buildings, Lands, Grounds, or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners, Occupiers, or Persons may sustain by the widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds, or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life and Fee Tail General or Special, Husbards, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Person, or Persons whomsoever, but also to and for all Femes Covert, who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Grounds, or Hereditaments, to contract with the Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands, Grounds, or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbards, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Road, and to Corporations, &c. to sell.

LXII. And be it further enacted, That if any of such Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or Fee Tail General or Special, Husbards, Guardians, Trustees, or Feoffees in Trust, or any other Person or Persons interested in any such Lands or Grounds, upon Notice in Writing to him, her, or them, given or left at the respective Dwelling Houses or Places of Abode of such Person, or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be taken in and added to any Part of the said Road, or into which any Part or Parts of the said Road is or are to be turned or altered as aforesaid, shall by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained

The Recompence to be settled by a Jury in certain Cases.

[Local.]

61

by

Verdict to be
final.

Sheriff to
summon
Jury.

by and upon the Oaths of a Jury of Twelve indifferent Men of the County where the Lands are situate (which Oaths any One or more of the said Trustees is and are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for and on account of the taking of such Lands or Grounds into the said Road, or of turning any Part or Parts of such Road into or through the same Lands or Grounds; and in order thereto, the said Trustees, or any Seven or more of them, are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means as well for their own as for the Jury's better Information in the Premises, as the said Trustees or any Seven or more of them shall think fit; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, or other Persons interested in the said Lands or Grounds, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Réversion, Remainder, or otherwise, their Heirs, Successors, as well absent as present, Executors, Administrators, Infants, Issue unborn, Femes Covert, Persons beyond the Seas, or under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning of such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where the Lands are situate, or in case such Sheriff, or his Deputy or Deputies, shall be in anywise interested in the Matter in question, then to some One of the Coroners of the same County not interested therein, thereby commanding and requiring such Sheriff or Coroner to impanel, summon, and return a Jury of Twenty-four honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrants shall be appointed; and the said Sheriff, his Deputy or Deputies, or the said Coroner, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, his Deputy or Deputies, or the said Coroner, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve, and all Persons

concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

LXIII. Provided always, and be it enacted, That if any such Sheriff, or his Deputy, or any such Coroner, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Ten Pounds; and if any Person to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, having no reasonable Excuse (to be allowed by the said Sheriff or Coroner), or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined, or to give Evidence, then and in such Case the Party on whose Behalf such Person was so summoned shall and may have the like Remedies by Action or otherwise, so far as Circumstances will admit, against such Person, as if the Proceedings in which such Person shall be summoned were an Action depending in any of His Majesty's Courts of Record at *Westminster*, or otherwise every Person so offending shall, at the Election of the Party in whose Behalf such Person was so summoned, forfeit and pay for every such Offence, for the Benefit of the said Party, any Sum not exceeding Five Pounds, to be levied by virtue of a Warrant or Warrants under the Hands and Seals of the said Sheriff and Coroner, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced after such Penalty, and the Charges of such Distress and Sale shall be deducted.

Penalty upon Sheriff, Jurymen, or Witnesses making Default.

LXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn, pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences to be settled and ascertained by some Justice of the Peace for the County, District, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall be borne and paid by the said Trustees on the respective District of Road on which such Differences shall have arisen; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the Clerk or Clerks to the Trustees of the said Districts of Road respectively for the Time being, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby required to grant); but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning of the said Jury or Juries, as a

For paying Expences of Juries.

Recompence

Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining of the said Jury and Witnesses; and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace as herein-before directed, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by the Ways and Means herein provided for the Recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs shall be borne and paid by the said Trustees.

New Roads
to be fenced
by Trustees.

LXV. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter any Part or Parts of the said Road, or make any new Road over and through any inclosed Lands or Grounds, the said Trustees shall make or cause to be made Quickset or other proper Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road, into the Lands adjoining, and shall keep the Quickset or other Fences so to be made, in proper Order and Repair for the Term of Six Years from the Time such Quickset Fences shall have been made and planted.

Restraining
the Trustees
from deviat-
ing more than
One hundred
Yards.

LXVI. Provided always, and be it further enacted, That the said Trustees in widening, diverting, shortening, varying, turning, or altering the said Road, shall not deviate more than One hundred Yards from the Line or Course of the present Road, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

No Building
to be damag-
ed, or Garden
Ground, &c.
taken for the
Purposes of
this Act with-
out Consent.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained, shall empower the said Trustees, or any of them, or any Person or Persons, to pull down or damage any Dwelling House or other Building, or to take, use, or possess any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House or Lawn inclosed or adjoining to a Mansion House or any ancient Fish Pond, belonging to or near any Mansion House, or Plantation, or Nursery of Trees, other than and except as is herein-after particularly provided or mentioned to the contrary, without the Consent in Writing of the respective Owners or Occupiers thereof signified by Writing under their respective Hands.

Provision for
removing the
Town Hall
in Bourn.

LXVIII. And whereas, under and by virtue of the said recited Act of the Thirty-eighth Year of His late Majesty King George the Third, Provisions were made for improving a Part of the *Bourn* District of the said Road,

Road, lying near to the Market Cross in *Bourn* aforesaid; by taking down and removing a certain Building there situate, called *Bourn Town Hall*, which is yet standing, and in a very ruinous and decayed State, and it is expedient that Provision should be made in this Act for that Purpose; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at any Time during the Continuance of this Act, to take, pull down, and remove the Messuage or Building in *Bourn* aforesaid, called the Town Hall, and the several Shops and Tenements within or adjoining thereto, with the Appurtenances belonging to the Marquis of *Exeter* and others; which said Messuage or Building, Tenements and Hereditaments, it shall be lawful for the said Trustees, or any Seven or more of them, to take and use for the Purposes of this Act, without the Consent of the several Proprietors, Owners, or Occupiers thereof, or other Persons interested therein, or any of them, making such Compensation and Satisfaction nevertheless for the same, in like Manner and Form as is herein directed with respect to Compensation to be made for any Lands, Tenements, or Hereditaments, to be purchased for the Purposes of this Act, and which Compensation and Satisfaction may and shall be ascertained, adjudged, and determined, in and by the same Ways and Means as herein is provided for ascertaining and determining the Value of any such Lands, Tenements, or Hereditaments so to be purchased.

LXIX. Provided always, nevertheless, That it shall not be lawful for the said Trustees, or any of them, to purchase, take, or use the said Building in *Bourn* aforesaid, now used as a Town Hall, with the Appurtenances, by virtue of this Act, without a previous Order of the said Trustees made at a Meeting to be holden for that Purpose, of which Fourteen Days Notice shall be given in One of the *Stamford* Newspapers, signifying the Time, Place, and Purpose of such Meeting, nor without the previous Consent in Writing of the Persons entitled to Three-fourth Parts or Proportions of the Money then due on the Security of the Tolls arising within the same District.

Trustees restrained from making such Alteration, without the Consent of Three Parts in Value of the Creditors on the Road.

LXX. And be it further enacted, That every Sum of Money, Repurchase, and Satisfaction, which shall be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or to the Parties or Persons respectively entitled to such Monies as the Case may require, and upon Payment or Tender thereof to such Parties or Persons, or depositing the same in the Bank of *England*, in Manner by this Act directed; all Owners and Occupiers of, and Persons interested in such Lands or Grounds shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property of, in, to or out of the same; and such Lands or Grounds shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Seven more of them shall direct, and shall be by them, or by such Person or Persons as they or any Seven or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall from thenceforth, to all Intents and Purposes whatsoever, become and for ever afterwards be a common Highway, and shall be deemed Part of the Roads to be repaired by virtue of this Act, and shall be repaired accordingly; and after such new Road shall be completed, the Lands

How the Purchase Money is to be paid.

[Local.]

6 K

constituting

Trustees may sell or exchange any Part of the old Road, when any Road shall be made in lieu thereof.

constituting the former Road, or any Part thereof, unless leading over some Moor or Waste Ground, or to or through some Town, Village, or Hamlet, to or through which such new Road doth not lead or pass, shall be vested in the said Trustees for the Time being, and such Trustees, or any Seven or more of them, may sell the same Lands; and all Conveyances which shall be made of the Lands or Grounds so sold, being executed by the said Trustees, or any Seven or more of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Persons whose Lands adjoin to have the Preference.

LXXI. Provided always, and be it further enacted, That wheresoever the Course of any Part of the said Roads, or either of them, shall be altered under or by virtue of the Authority of this Act, or any Toll House discontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchase of such old Road or Toll House shall be first made to the Owner of such adjoining Lands as shall be cut and used for the Purpose of making such new Road, and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Toll House, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road or Toll House, the same shall and may be recovered by the said Trustees, by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Toll House, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, or District wherein such Action shall be brought, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road or Toll House (as the Case may be), and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner; and the Costs and Expences of hearing and determining such Difference shall be borne and paid, and shall and may be recovered in like Manner as herein-before directed with respect to Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such old Road or Toll House as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Value to be settled by a Jury.

May be recovered by Action.

Application of Compensation when amounting to 200l.

LXXII. And be it further enacted, That all the Principal Monies which shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes

Covert, or other incapacitated Person or Persons, shall, if the same amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, or any Two or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments), in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Parts thereof as the said Court shall authorize to be paid; affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated Bank Annuities, or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXXIII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option and approved of by any Seven or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in

Application when the Compensation is less than 200l. and exceeds 20l.

Writing

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

Application when the Money is less than 20l.

LXXIV. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid, as herein-before mentioned, shall not exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

LXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded or assessed for any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money so awarded or assessed as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in any such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

Persons in Possession, shall be deemed well entitled, unless the contrary be shewn.

LXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any

any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LXXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

LXXVIII. Provided always, and be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same Roads, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said Counties of *Northampton, Lincoln, or Rutland*, or any Division, District, Ward, Parish, or Township therein, or otherwise howsoever, all and every such Part or Parts of the said Roads; and all such Bridges, Arches, Drains, Sewers, and Watercourses, shall from Time to Time be maintained and kept in repair by such Person or Persons, Bodies Politic and Corporate, County, Division, District, Wards, Parishes, or Townships respectively, in such Manner as the same ought to have been respectively maintained and kept in Repair in case this Act had not been made.

Persons liable, and Lands chargeable to the Repair of Roads and Bridges, to continue so.

LXXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or to the Payment of any Composition in lieu of Statute Work upon the said Roads, or any Part thereof; and all Persons by Law chargeable towards repairing any Part or Parts of the said Roads, or any Bridges thereon, shall still remain so liable and chargeable, and shall do their respective Statute and other Work in or upon the same in the several Parishes, Townships, or Districts in which

Statute Works and Compositions to be continued.

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the said Roads do or shall lie, and pay their respective Compositions accordingly, under and subject nevertheless to the Regulations herein-after expressed concerning the same.

Regulations
as to Per-
formance
of Statute
Duty.

LXXX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants and Occupiers of Lands, Tenements, Woods, Tythes, or Hereditaments, within the respective Parishes, Townships, or Places in which the said Roads lie; and also what Proportion of Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall by him, her, or them be paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Duty for that Year, or to the Payment of any Money in lieu of as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute now in force for the Repairs of the Public Highways; and out of such Lists, the said Justices shall or may allot, appoint, and order, such and so many of the Persons who shall appear subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and upon such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish or Place, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor or Clerk to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast

Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to, by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and in addition thereto, in case of his or their having received any such Composition Money, all such Sum or Sums of Money as he or they respectively shall have collected or received for or on account thereof.

LXXXI. 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 Owners or Occupiers of any Lands, Tenements, or Hereditaments, or other Persons, Bodies Politic or Corporate, liable to or chargeable with or towards the Repair of any Part or Parts of the said Roads, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same, and the Performance of Statute Work thereon, for the Payment of a Sum of Money in lieu of such Repairs and Statute Work and Compositions respectively; and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which the said Roads pass, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed, or Compositions to be paid by the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Roads; all which Composition Monies shall be paid in advance.

Statute and other Work may be compounded for.

LXXXII. And be it further enacted, That in case the Composition Money agreed to be paid in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Two or more Justices of the Peace for the Counties of *Northampton, Lincoln, or Rutland*; or any Division or District therein respectively, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justices that the same hath been demanded and remains due, which Oath they are hereby respectively empowered and required to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or

Powers to recover the Composition Money for Tolls, Statute Work, &c.

or Surveyors of the Highways, or other Person or Persons so having compounded or agreed to pay, or being liable to the Payment of such Composition Money as aforesaid, returning the Overplus (if any), after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, upon Demand, to the Owner or Owners thereof.

Trustees may contract for Repairs.

LXXXIII. And be it further enacted, That the said Trustees or such Person or Persons as they shall for that Purpose appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Roads, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts in Writing for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Transient Offenders to be apprehended.

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

How Penalties, Forfeitures, and Fines are to be recovered and applied.

LXXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act imposed or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly directed), upon Proof of the Offence or Offences and Conviction of the Offender or Offenders respectively, before any One or more Justice or Justices of the Peace for the County, Division, or District wherein such Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair, reasonable, and proper to be allowed (and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a 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 authorized and required to grant, and to administer such Oath, and the Overplus, after such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels, and all such Penalties, Forfeitures and Fines, if not otherwise directed

directed by this Act, shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act upon the respective Districts of Road, upon or concerning which such Conviction shall take place, or such Penalties, Fines, or Forfeitures, Costs, Charges, and Expences be paid or levied; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences shall not be forthwith paid, such Justice and Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Division, or District, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXXVI. Provided always, and be it further enacted, That in every Case in which any Person or Persons shall be convicted of any Offence against this Act, upon which any Penalty or Forfeiture, or any Costs, Charges, or Expences shall be incurred and adjudged to be paid, it shall and may be lawful to and for the Justice or Justices, by or before whom such Offender or Offenders shall be so convicted, and he and they are hereby respectively authorized and required, in case such Offender or Offenders shall not on such Conviction and Adjudication forthwith pay down such Forfeiture and Costs, to detain such Offender or Offenders in safe Custody, in some convenient and proper Place to be appointed for that Purpose by such Justice or Justices, until such Justice or Justices shall have issued his or their Warrant, in Manner herein-before directed for the levying such Forfeiture and Costs upon the Goods and Chattels of such Offender or Offenders, and until it shall have been ascertained on Return made to such Warrant, that such Offender or Offenders respectively hath or have not any Goods and Chattels sufficient whereon to make and levy such Penalty and Costs; any thing herein contained to the contrary notwithstanding,

Offenders may be detained till Warrant of Distress issued, and Return made thereon.

LXXXVII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in the Words, or to the Effect following, *mutatis mutandis*, as the Case shall happen to be; to wit,

Form of Conviction.

County of { BE it remembered, That on [Time of Conviction], at [Place of Conviction], A. B. [Name of Offender], of [Addition of Offender], was duly convicted before me (or us), [Name and Style of convicting Justice or Justices], for that the said A. B. [Name of Offender,] on [Time of committing Offence], at [Place of committing Offence], did [here state the Offence against this Act according to the Fact], contrary to the Form of the Statute made in the First Year of the Reign of His Majesty King George the Fourth, intituled [here set forth the Title of this Act], and I [or we] do therefore declare and adjudge that the said A. B. [Name of Offender,] hath forfeited for the said Offence the Sum of [Fine], and [in case of Costs being allowed] I [or we] do also adjudge, that over and

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‘ above such Forfeiture the said *A. B.* shall forthwith pay the Sum of
 ‘ [*Amount of Costs*] by me [*or, us*] ascertained and determined to be rea-
 ‘ sonable and proper, to be allowed for the Costs and Expences incident
 ‘ to the Prosecution and Conviction of the said *A. B.* and which said
 ‘ Forfeiture and Costs amount together to the Sum of [*Total of Penalty*
 ‘ and Costs allowed], or shall be committed to [*Place of Imprisonment*], for
 ‘ the Space of [*Time of Imprisonment*]: Given under my Hand and Seal
 ‘ (or our Hands and Seals) the Day and Year above (or first above)
 ‘ written.’

Proceedings
 not to be
 quashed for
 Want of
 Form.

LXXXVIII. And be it further enacted, That no Order made concern-
 ing any of the Matters in this Act contained, or any Proceedings to be had
 touching the Conviction of any Offender or Offenders against this Act,
 shall be quashed or vacated for Want of Form, or removed or removable
 by Certiorari, or any other Writ or Process whatsoever, into any of His
 Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or
 Statute to the contrary notwithstanding.

Limitation
 of Actions.

LXXXIX. And be it further enacted, That no Action or Suit shall
 be commenced against any Person or Persons for any thing done in
 pursuance of this Act, until Twenty Days Notice thereof shall be given
 to the Clerk or Clerks, Treasurer or Treasurers of the District of Road
 upon or relating to which the Cause for such Action or Suit shall have
 happened, nor after a sufficient Satisfaction or Tender thereof hath been
 made to the Party or Parties aggrieved, nor after the Expiration of Six
 Calendar Months from the Time of the Fact or Offence being committed;
 and every such Action or Suit shall be laid or brought in the County in
 which the Cause of Action shall happen, and not elsewhere; and the
 Defendant or Defendants in every such Action shall or may, at his, her,
 or their Election, plead specially or the General Issue; and give this Act
 and the special Matter in Evidence at any Trial to be had thereupon, and
 that the same was done in pursuance and by the Authority of this Act;
 and if the same shall appear to have been so done, or that such Action
 or Suit shall have been brought before Twenty Days Notice thereof was
 given as aforesaid, or after a sufficient Satisfaction made or tendered as
 aforesaid, or after the Expiration of the Time limited for bringing the
 same as aforesaid, or shall be brought in any other County, then the
 Jury shall find for the Defendant or Defendants; and upon such Verdict,
 or if such Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her,
 or their Action or Suit, after the Defendant or Defendants shall have
 appeared, or if upon Demurrer Judgment shall be given against the
 Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover
 Treble Costs, and have such Remedy for the same as any Defendant hath
 in other Cases by Law.

Appeal to the
 Quarter Ses-
 sions.

XC. And be it further enacted, That if any Person or Persons shall
 think himself, herself, or themselves aggrieved by any Matter or Thing
 done in pursuance of this Act, for which no particular Relief hath been
 herein-before provided (save and except the Verdict of the Jury, and
 any Determination, Proceeding, Matter, or Thing herein-before directed
 to be final), such Person or Persons may, within Six Calendar Months
 after the Cause of Complaint shall arise, appeal to the Justices of the
 Peace at their General or Quarter Sessions, to be holden for the County,
 Division,

Division, or District wherein the Cause of Appeal shall arise, such Appellant or Appellants first giving, or causing to be given, Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Causes or Matters thereof, to the Clerk or Clerks, Treasurer or Treasurer of the District of Road whereon or concerning which the Subject and Matter of such Appeal or Appeals shall arise, or to other the Respondent or Respondents, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, Division, or District, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the Justices at such General or Quarter Sessions, and also to pay such Costs as shall be awarded against him, her, or them by such Justices; and such Justices, at their said Sessions, on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and may award such Costs to the Party appealing or appealed against, as they shall think proper, and their Determination in the Premises shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

XCI. And be it further enacted, That this Act shall be deemed **Public Act.** 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.

XCII. And be it further enacted, That this Act shall commence and take place upon the Twenty-fourth Day of *June* One thousand eight hundred and twenty; and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. **Commence-
ment and
Continuance
of the Act.**

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