



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 113.

An Act for more effectually repairing and improving the Road leading from the Town of *Stamford* to the Division Stone in *South Witham*, in the County of *Lincoln*. [18th June 1808.]

WHEREAS the Road leading from a certain Place called *Scotgate* in the Town of *Stamford* in the County of *Lincoln*, to a certain Stone on a Place called *Witham Common* in the Parish of *South Witham* in the said County, commonly called the Division Stone, marked on the one Side thereof "South District," and on the other Side thereof "North District," through the several Parishes, Townships, and Places of *Saint John* and *All Saints* in *Stamford* aforesaid, *Little Casterton*, *Great Casterton*, *Tickencote*, *Empingham*, *Exton*, *Greetham*, *Stretton*, and *Thibston*, in the County of *Rutland*, and *North Witham* and *South Witham* aforesaid, in the said County of *Lincoln*, or some of them, is repaired under the Authority of a certain Act of Parliament passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road between Stamford and Grantham, in the County of Lincoln*; and also of an Act passed in the Twenty-fourth Year of the Reign of His said late Majesty, intituled, *An Act for enlarging the Term and Powers granted by an Act passed in the Twelfth Year of the Reign of His present Majesty, for repairing the Road between Stamford and Grantham, in the County of Lincoln, and for making the same more effectual*; and also of another Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of* [Loc. & Per.] 24 T Two

Two Acts passed in the Twelfth and Twenty-fourth Years of the Reign of his late Majesty King George the Second, for repairing the Road between Stamford and Grantham, in the County of Lincoln, (the Terms of which are now near expiring); by which said Acts or some of them, several Tolls and Powers have been granted to Trustees for repairing and amending the said South District of Road during the respective Terms of Years therein mentioned, and several Sums of Money have in pursuance of the said Acts or some of them, been borrowed, and are still due on the Security of the Tolls thereby granted, and the same cannot be paid off, nor can the said Road be effectually improved and kept in Repair, unless additional Tolls, Powers and Provisions be granted for a further Term; 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 all the Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things contained in the said several Acts of Parliament herein-before referred to, and each and every of them, shall (so far as they or any of them relate to or concern the said South District of Road herein-before mentioned, or any Part or Parts thereof) from and after the Day appointed for the Commencement of this Act, be and the same are hereby repealed; and that from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters, and Things, in this present Act contained, shall be put in Execution, and shall continue in Force during the Term herein-after mentioned, for the Purpose of amending, widening, keeping in Repair, and improving the said Road leading from Scotgate aforesaid to the said Division Stone in the Parish of South Witham aforesaid.

Debts contracted under the former Acts, secured by this Act.

H. And be it further enacted, That all and every Sum and Sums of Money which on the Day appointed for the Commencement of this Act shall be due and owing on the Credit of the said former Acts or any of them, or on the Security of the Tolls thereby respectively granted within or upon the said District, together with the Interest on such of the same Sums as carry Interest, shall stand and be charged and chargeable on the Tolls by this Act granted, and may be recovered in like Manner as if the same had been contracted on the Credit of this Act, or secured on the Tolls hereby granted.

Trustees appointed.

III. And be it further enacted, That *Thomas Graham Arnold* Doctor of Physic, *Richard Atlay*, *Henry Atlay*, *Martin Amphlet*, *Charles Allix*, *Joseph Adams*, *Albemarle Bertie*, *Henry Boulton*, *Thomas Barker*, *Samuel Barker*, *Edward Brown*, *William Brown*, *Edward Brown the younger*, *William Brereton*, *Abel Walford Bellairs*, *James Bellairs*, *George Bellairs*, *John William Bramston*, *Wyrley Birch*, *Birch*, *William Burslem*, *Amos Butt* of Horn, *Amos Butt* of Whitwell, the Honourable *Thomas Cecil*, (commonly called Lord *Thomas Cecil*) Sir *Mountague Cholmley* Baronet, *Charles Chaplin*, *Charles Chaplin the younger*, *Christopher Cookson*, *Benjamin Cooper*, *John Corrie*, *Benjamin Christian*, *William Chapman*, *Thomas Chapman*, *George Richards Denshire*, *Charles Denshire*, the Honourable *Dawney*, *Jeremiah Ellis* Doctor in Divinity, *Thomas Easton*, *William Easton*, *Samuel Edwards*, *Ellicott*, Sir *Samuel Fludyer* Baronet, *George Fludyer*, *Evan Foulkes*, *Thomas Foster*, *Thomas Forsyth*, *Samuel Richard Fydell*, *Henry Fryer*, *Henry Finch*, *John Forster*, *Kingsman Foster*

Foster, Thomas Grosvenor, Joseph Gill, George De Ligne Gregory, the Alderman of Grantham for the Time, being, the Right Honourable John Lord Henniker, Sir Gilbert Heathcote Baronet, James Hurst, Thomas Hurst, John Hack, John Hopkinson, Hamlyn Harris, Samuel Hunt, Cheselden Henson, William Harper, Robert Henson, Hinman, Henry Hopkinson, George William Johnson, Charles Johnson, Hugh Jackson, Edward Jones, Samuel Judd, the right Honourable William Lowther, (commonly called Lord Lowther) Richard Lucas, Richard Lucas the younger, Richard Lluelyn, Frederick Lely, Brownlowe Villars Layard, John Rowland Litchford, Sir William Manners Baronet, John Manners, James Mac Guffog, Middleton, John Maydwell, John George De Merveillieux, John Messing Gerard, Noel Noel, Charles Noel, William Noel, George Vander Neunburgh, Henry Nevile, Nathaniel North, William Ostler, Henry O'Brien, Stafford O'Brien, Donatus O'Brien, the Honourable Edward Percival, the Honourable Charles Anderson Pelham, Thomas Parke, William Pochin, Charles Pochin, Michael Pierrepont, John Pepper, Jacob Reynardson, Robert Rudkin, Charles Roberts, Henry Shield, William Shield, Matthew Snow, William Stevenson, Nicholas Clarke Stevenson, Thomas Smith, Singleton, the Mayor, Aldermen, and Capital Burgeſſes of the Borough of Stamford for the Time being, Thomas Syson, William Sherrard, Sir John Trollope Baronet, John Trollope, Thomas Tryon, Edmund Turnour, Richard Twopenny, Cotton Thompson, Taitt, D. D. James Torkington, William Torkington, Benjamin Baker Tatwell, Thomas Truman, Sir Thomas Whichcote Baronet, John Wingfield, John Wingfield the younger, Thomas Wingfield, Sir William Earle Welby Baronet, John Willis M. D. John Wood, Thomas Woodroffe, and John Wyche, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Road leading from Scotgate aforesaid, to the said Division Stone in South Witham aforesaid, and for putting this Act into Execution.

IV. And be it further enacted, That when and as often as any of the Trustees hereby nominated 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, 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 Road, 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 to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

Power to appoint new Trustees.

V. 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 said Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in

All Acts may be done by Five Trustees unless otherwise directed.

in the Cases hereby particularly directed or authorized to be done or executed by any greater or less Number of Trustees.

Qualification
of Trustees,
etc.

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 Right of his Wife, seised of or entitled to Messuages, Lands, or Hereditaments for some Estate for Life, or of Inheritance in Possession, of the clear Yearly Value of Fifty Pounds above Reprises, or shall be Heir Apparent to some Person or Persons so seised of or entitled to Messuages, Lands, or Hereditaments for some Estate for Life, or of Inheritance, of the clear Yearly Value of One hundred Pounds above Reprises, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together of the Amount or Value of One 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 Person so offending shall 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, or 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 the Acts and Proceedings of any Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided also, 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 following, that is to say;

The Oath.

‘ I A. B. do swear, That I am truly and *bona fide* in my own Right [or, in Right of my Wife] seised of or entitled to Messuages, Lands, or Hereditaments for some Estate for Life, or of Inheritance in Possession, of the clear yearly Value of Fifty Pounds above Reprises; [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 *bona fide* seised of or entitled to Messuages, Lands, or Hereditaments for some Estate for Life or of Inheritance, of the clear Yearly Value of One hundred Pounds above Reprises; [and in case of Personal Estate alone, or Real and Personal Estate together] I A. B. do swear, that I am truly and *bona fide* seised of a Personal Estate [or, of a Real and Personal Estate together] of the Amount or Value of One 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 Forty-eighth Year of the Reign of King George the Third, intituled [here set forth the Title of this Act.]

‘ So help me GOD.’

Meetings of
the Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *George and Angel Inn* at *Stamford* aforesaid. or at some other convenient House

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 near some Part of the said Road, and at such Times, as they shall from Time to Time order and direct (provided that no Adjournment shall be made for a longer Time than Three Calendar Months); and if at any Meeting appointed to be 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 Road shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed upon all Turnpike Gates then erected across the said Road, 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 any Part of the said Road, on the Day Four Weeks after the Day on which such last Meeting was appointed: Provided always that all the General Annual Meetings of the said Trustees shall not be held at any other Place than in the Town of *Stamford* aforesaid.

VIII. Provided always and be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Treasurer of the said Road 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 Ten Days after such Notice) and such earlier Meeting shall and may be held accordingly; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on
Emergencies,
&c.

IX. And be it further enacted, That at the First or Second Meeting of the said Trustees for carrying this Act into Execution, or as soon after as conveniently may be, the Accounts of the Treasurer or Treasurers for the said District of Road herein-before mentioned, shall be produced, examined, and settled, and the Balance of each Account shall be carried over to a new Account with the Trustees acting in the Execution of this Act, 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, out of the Monies hereby authorized to be raised, any Money that may appear to be due to him or them, with lawful Interest during the Forbearance thereof, as they the said Trustees may think proper.

Accounts of
Treasurers
under the
former Acts
to be passed
at First or
Second Meet-
ing, and
brought to a
new Account.

X. 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, 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 Trust-

How Orders
of the Trust-
tees are to be
made and re-
voked.

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tees,

tees, 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 shall be revoked or altered at any subsequent Meeting, unless Fifteen Trustees at least shall be present, and the Majority of them shall concur therein.

Trustees not
to hold any
Place of Pro-
fit.

XI. 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 arising out of or by reason of the same Act, or the Tolls or Duties hereby imposed, such Person or Persons shall, from the Time of accepting such Place be incapable of acting as a Trustee or Trustees during his or their Enjoyment of such Place of Profit as aforesaid.

Trustees in
the Commis-
sion of the
Peace may
act as Justices.

XII. And be it further enacted, That such of the Trustees 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 said County of *Rutland*, or are or shall be Justices of the Peace for the Borough of *Stamford* aforesaid, shall and may act within their respective Districts and Jurisdictions as Justices of the Peace in the Execution of this Act, notwithstanding such Justices being Trustees as aforesaid; and that any Mortgagee or Assignees 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.

Power to erect
Toll Gates.

XIII. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may 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 Road hereby directed to be repaired, and also such and so many Toll Gates or Turnpikes on the Sides of the said Road, 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 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 Conveniencies thereto, and inclose from the Sides of the said Road convenient Gardens for the same.

Tolls to be
taken.

XIV. 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 that Part of the said Road lying between the Town of *Stamford* aforesaid, and the Toll Bar or Gate herein-after mentioned at or near the Division Stone herein-before described, or on the Side or Sides thereof, or in, upon, or across any Lane or Bye-way leading into or out of the same (except as herein-after is expressly directed or provided to the contrary) before any Horse, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same, that is to say;

For every Coach, Berlin, Landau, Chariot, Chaise, Curricule, Calash, Hearse, Chaise Marine, or other such Carriage, drawn by Six or more Horses or other Beasts of Draught, the Sum of Two Shillings; drawn by
Four

Four or Five Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two or Three Horses or other Beasts of Draught, the Sum of One Shilling:

For every Chair, Chaise, Gig, Whisky, or other Carriage of the like Kind, drawn only by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage of the like kind, the Sum of Three-pence:

For every Four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart or other Carriage drawing, the Sum of One Shilling:

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 Millstones, or Block of Timber, drawn by Five or more Horses or other Beasts of Draught the Sum of Two Shillings and Sixpence:

For every Horse, Mare, Gelding, 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.

XV. And be it further enacted, That the several and respective Tolls or Sums of Money by this Act granted 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, shall, after Demand thereof made by any Collector or Collectors, or other Person or Persons authorized to receive 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 to seize and distrain any Horse or Cattle, Beast or Carriage upon which any Toll is by this Act imposed, or any of the Loading, Harness, or Accoutrements thereof respectively, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Costs of such Distress and keeping the same, shall not be paid within the Space of Four Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Monies 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 unfold (if any) upon Demand to the Owner or Owners thereof.

Power for compelling the Payment of Tolls.

XVI. 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

For settling Disputes concerning Tolls

Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Division, or District in which such Distress shall be made, who upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon the said Justice for that Purpose; all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Goods so distrained, or the said Overplus or any Part thereof respectively.

Collectors declared competent Witnesses.

XVII. 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 Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Tolls may be varied.

XVIII. 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, vary, or alter all or any of the Tolls herein-before granted or made payable at all or any of the Turnpikes to be continued, erected, or provided by virtue of this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted or made payable at the same Turnpikes 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 Three-fourth Parts of the Money then due on Security of the said Tolls, but no such 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 said Road, and also inserted in some Newspaper printed or generally circulated in the County of *Lincoln*.

Number of Tolls limited.

XIX. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll or Duty for passing through any of the said Turnpikes or Toll Gates, shall be liable to pay any Toll or Duty for repassing through the same Turnpikes or Toll Gates or any of them with the same Horses, Cattle, Beasts, and Carriages, the same Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, such Person producing a Ticket denoting the Payment of such Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of such Toll but that all and every Person or Persons who shall have passed and repassed Once in the same Day through the same Turnpikes or Toll Gates as aforesaid, shall be subject and liable to the Payment of the same Toll or Duty for every Time such Horses, Cattle, Beasts, or Carriages shall afterwards pass, or pass and repass through the same Turnpike or Toll Gate during the same Day, any Thing herein contained to the contrary notwithstanding.

Exemption from Tolls.

XX. Provided also, and it is hereby further enacted, That no Person or Persons shall be charged with any of the Tolls hereby granted for or in respect of any Horse or other Beast, Cart or other Carriage, when employed in carrying or conveying Stones, Gravel, or other Materials for

for repairing the said Road, or any Bridge thereon, or any Highway in any of the Parishes or Townships through which the said Road doth or may lead, or in any of the adjoining Parishes or Townships; or in carrying or conveying any Hay or Corn or other Produce of Lands to be laid up, used, or consumed in the Houses, Out Houses or Barns of the Owners thereof, and not for Sale, or being unladen when so employed; or for or in respect of any Ploughs, Harrows, or other Implements of Husbandry; or for or in respect of any Carts, Waggon, or other Carriages employed in carrying or conveying any Lime, Dung, Mould, Compost or Manure of any Kind whatsoever to be employed in Husbandry for Manure of Lands; nor shall any of the said Tolls be taken of any Person residing in any Parish through which the said Road or any Part thereof doth or shall lead, who shall pass through any Turnpike to or from Church, Chapel, or other Place of religious Worship, or when attending the Funeral of any Person who shall be buried in any such Parish; nor of any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for or in respect of any Horses or Cattle going to or returning from Plough, Water, or Pasture within the several Parishes to which they shall belong, or any of the neighbouring Parishes; provided that such last-mentioned Exemption as to Horses or Cattle going to or from Water or Pasture, shall only extend to such Horses or Cattle as shall be driven to or from Water or Pasture from one Parish to the next adjoining Parish, or to such Horses or Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture; or for or in respect of the Horses or Cattle of any Inhabitant of any of the said Parishes going to be shod or farried, or returning therefrom; or for any Bricks, Limestone, Plaster, Timber, Wood, or other Materials used for rebuilding or repairing any Church, Chapel, House, Outhouse, Barn, Stable, or Hovel, within the same Parish or Township where such Bricks, Limestone, Plaster, Timber, Wood, or other Materials were made, gotten, or felled; or shall any Toll or Duty be demanded or taken for any Horse or Carriage employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or his Deputies; nor for any Carriage, Horse, or Beast which shall only cross the said Road, or shall not pass above One Hundred Yards thereon; nor for the Horses of any Officers or Soldiers passing upon their March or upon Duty; nor for the Horses, Carts, Carriages or Waggon employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers upon their March or upon Duty, or carrying any wounded, sick, or disabled Officers, and Soldiers, or returning empty after having been so employed; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; nor for any Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes; nor for any Horses or Carriages carrying or conveying any Elector or Electors going to or returning from any Election of a Knight or Knights for the

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Shire to serve in Parliament for the County of *Lincoln* or *Rutland* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or if any Person being so entitled shall fraudulently and collusively extend the same to or for the Benefit of any Person or Persons not entitled thereto, 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.

To prevent
the evading
of Tolls.

XXI. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, upon which any Toll is by this Act imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be continued, erected, or provided by virtue of this Act, the same not being a public Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any other Person or Persons with any Horse, Cattle, Beast, or Carriage to pass through the same, whereby the Payment of any of the Tolls, or any Part or Parts thereof, shall be evaded, or if any Person or Persons shall give to or receive from any Person (other than a Collector of the said Tolls) or shall forge or counterfeit any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid, with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, whereby the Payment of any of the said Tolls or any Part or Parts thereof shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road, any Horse, Cattle, Beast, or Carriage, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Horse, Cattle, Beast or Carriage, every Person offending in any of the Cases aforesaid, 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, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act in Manner herein-after mentioned.

Power to
compound for
Tolls.

XXII. 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 through which the said Road leads, 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 Road or the Sides thereof.

Power to
lease the
Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, after giving One Calendar Month's previous Notice thereof, in Writing, to be affixed upon all the Turnpikes erected across the said Road, and to be inserted in some Newspaper printed or circulated in the said County of *Lincoln*, from Time to Time to lease and demise the Tolls granted by this Act or any Part or Parts thereof, for any Term not exceeding

ceeding Three Years, for the best Rent or Price that can be reasonably gotten for the same, payable at such Time and in such Manner, and with, under and subject to such Covenants, Conditions, and Agreements as the said Trustees shall think fit, they the said Trustees having a 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.

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, 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 Side of the said Road, to be removed to and erected in, upon, or across, or on the Side of such other Part or Parts of the said Roads as the said Trustees or any Seven or more of them shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Twenty-one Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road, and inserted in some Newspaper printed or circulated in the said County of *Lincoln*.

Power to remove Toll Gates

XXV. And be it further enacted, That the Right, Interest and Property of and in all the Toll Gates or Turnpikes and Toll Houses which shall be erected and provided in pursuance of this Act (except the Toll Gate or Turnpike and Toll House to be erected at or near to the said Division Stone) with the several Conveniences and Appurtenances thereunto belonging respectively, 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 shall be vested in the Clerk or Clerks, and Treasurer or Treasurers, of the said Road 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 and 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.

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

XXVI. And whereas an Act was passed in the present Session of Parliament, intituled, *An Act for repairing the Road from Foston Bridge through the Town of Grantham, to the Division Stone on Witham Common, all in the County of Lincoln*; wherein it is expressed that One Moiety or equal Half Part of the clear Residue or Surplus of the Tolls and Duties to be received at the Toll Gate or Turnpike to be erected at or near the said Division Stone in *South Witham* aforesaid, (after deducting certain Costs, Charges and Expences therein mentioned) shall be paid to the Treasurer or Treasurers of the Trustees acting under this Act; be it therefore enacted, That all the

Appropriation of the Moiety of the Tolls to be received at the Toll Bar to be erected at the Division Stone.

**For borrow-
ing Money
on Security of
the Tolls.**

BY Virtue of an Act made in the Forty-eighth Year of His Majesty King George the Third, 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 this Day paid to the Treasurer of the said Road, by do assign unto the said such Proportion of the Tolls to arise upon 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

And Copies of all Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road, 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 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 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 Three Shillings and Sixpence and no more;

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and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns to the full Benefit of such Mortgage, Security, and every such Assignee may in like Manner assign or 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; and 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, 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.

No Priority
among Mort-
gages.

XXVIII. 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 Road comprized within the said South 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, 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, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and 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 all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and in discharging any Balance which shall be due to the Treasurer or Treasurers of the said District of Road, 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; 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 Road, and purchasing Lands for those Purposes, and of executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging such several Principal Sums as aforesaid: Provided always, that nothing in this Act contained shall authorize the said Trustees or any of them to repair or amend the Pavements of the Streets of any Town through which the said Road doth or may pass.

Application of
the Money.

Trustees not
to repair
Pavements in
Town Streets.

XXIX. 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 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

Appointing
Officers, &c.

[*Loc. & Per.*]

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shall

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, upon Oath (which Oath any One or more of the said Trustees is and are hereby empowered to administer) 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 verify the Articles thereof upon Oath, 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 Two or more of the said Trustees, are hereby authorized and required to make Enquiry concerning 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.

Trustees may
appoint tem-
porary Col-
lectors.

XXX. 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 a 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.

Treasurers,
&c. to give
Security.

XXXI. 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

any other Officers to be appointed in pursuance or for the Purposes of this Act, for the faithful Execution of their respective Offices as the said Trustees shall think proper.

XXXII. Provided always, and be it further enacted, That after the first Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officer or Officers upon Death or any other Vacancy, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least once within the Year preceding the Time that such Vacancy shall happen, the only Evidence whereof shall be his having signed the Order Book of the said Trustees.

Trustees who have not acted in the preceding Year, not to vote on the Election of Officers.

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being, and such other Person and Persons as shall be employed by such Surveyor, to cut, dig, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, in, upon, out of, and from any Waste Grounds, Commons, Common Quarries, Rivers, or Brooks in any Parish, Township, or District within or near to which the said Road doth or shall pass, without paying any Thing for the same, such Surveyor or other Person or Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot be conveniently had in such Waste Grounds, Common Quarries, Rivers, or Brooks as aforesaid, then to cut, dig, gather, take, and carry away any such Materials as aforesaid in, upon, out of, or from and over any other Lands, Grounds, and Quarries (except as herein-after is mentioned) making such Compensation and Satisfaction for the Damage done to the Owners and Occupiers of such Lands, Grounds, and Quarries where, through, and from whence the same shall be dug, gathered, taken, and carried away, or over which any Materials gotten in any Waste Ground, Common, Common Quarry, River, or Brook shall be conveyed, as any Two or more of His Majesty's Justices of the Peace for the County, Division, or District in which the Lands are situate shall judge reasonable and shall order and direct; which Compensation and Satisfaction shall and may be levied or recovered in like Manner as any Penalties, Forfeitures or Fines are herein-after authorized to be levied or recovered.

Surveyors may get Materials for the Road.

XXXIV. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons, under the Authority of this Act, to dig, gather, take or carry away any such Materials as aforesaid in or from any inclosed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence respectively, requiring them to appear before Two or more Justices of the Peace acting for the County, Division, or District in which the Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such

Materials not to be taken from inclosed Grounds, without an Order from Two Justices.

such Surveyor or other Officer to dig, gather, take, and carry away such Materials at such Time or Times and in such Manner as to such Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the like Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Penalty on
taking away
Materials got
by Surveyors.

XXXV. 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 Road, 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 Road, before the said Surveyor or his 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 prevent-
ing Obstruc-
tions on the
Sides of the
Road.

XXXVI. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing shall be unloaded or laid down upon the said Road, or upon any Moor, Common, or Waste Ground, nearer to the Centre of the said Road than the Distance of Thirty Feet, upon Pain that every Person so offending and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Ten Shillings; and if after the Removal of any such Dung, Ashes, Compost, Manure, or other Thing as aforesaid, any Person shall offend again in like Manner, every Person so offending again, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Twenty Shillings.

Surveyors
may remove
Annoyances.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor and such Person or Persons as he shall appoint from Time to Time to remove and prevent all Nuisances, Annoyances, Encroachments, and Obstructions on any Part or Parts of the said Road, by Timber, Stone, Carriages, Sawpits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and also to turn any Watercourse, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, and cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to any Part of the said Road, and also to cut down, top, or lop at proper Seasons in the Year any Trees, Branches, or Bushes growing in the said Road, or in the Hedges, Fences, Banks or Grounds adjoining thereto, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands or Grounds where such Annoyances shall happen to be, shall neglect so to do for Ten Days after Notice in Writing given for that Purpose under the Hand of such Surveyor, and the Charges thereof respectively (being settled by the said Trustees) shall be reimbursed to such Surveyor by such respective Owners or Occupiers so neglecting as aforesaid; and in case such Charges shall not be paid on Demand, the same shall be levied and recovered in like Manner as the Penalties, Forfeitures and Fines by this Act authorized to be imposed

are

are herein-after directed to be levied and recovered; and if after the Removal of any such Nuisances, Annoyances, Encroachments, and Obstructions as aforesaid, any Person shall offend again in like Manner, every Person so offending again, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Twenty Shillings.

XXXVIII. 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 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 Road 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 be recovered in such Manner as the Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Surveyors empowered to remove sudden Obstructions, without Notice.

XXXIX. And be it further enacted, That if any Person or Persons shall wilfully set, place, or leave any Timber, Stones, or other Thing whatsoever in or upon any Part or Parts of the said Road, so as to interrupt or hinder the free Passage along the said Road of any Carriage, or of any Person or Persons, or shall haul or draw or cause to be hauled or drawn upon any Part of the said Road (excepting only in crossing the same) any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheeled Carriages to drag upon any Part of the said Road to the Prejudice thereof, every Person so offending in any of the Cases last mentioned, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Twenty Shillings for every such Offence.

Penalty on leaving Obstructions, or hauling Timber or Stones on the Road,

XL. And be it further enacted, That if any Person or Persons shall ride upon any Footway adjoining the said Road by this Act authorized to be repaired, or shall lead or drive any Horse, Ass, Cattle, Sheep or Swine, or any Carriage on such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind into or upon the said Road or the Sides thereof, or if any Horse, Ass, Sheep, Swine, Beast, or Cattle shall be found loose or trespassing on the said Road, or if any Person shall (except in case of Accidents) leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage, Plough or other Instrument of Husbandry, in or upon the said Road or the Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, every Person so offending, or the Owner of such Cattle so found trespassing, shall forfeit and pay for the first Offence a Sum not exceeding Twenty Shillings; and for the second and any subsequent Offence, a Sum not exceeding Five Pounds.

Penalty on damaging Footways, or causing Nuisances or Obstructions on the Road.

Surveyors
may make
Causeways,
Drains, &c.

XLI. And be it further enacted, That it shall be lawful for the said Surveyor and any other Person or Persons by Order of the said Trustees, to make Causeways, and to cut and make Ditches, Drains, and Watercourses in, upon, and on the Sides of the said Road, and also through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in repair Bridges and Arches upon the said Road, 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 Road, 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 Road 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 to any narrow or ruinous Part or Parts of the said Road (except as hereinafter is mentioned) to be made use of as a Road whilst the old Road shall be 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 or 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; and if any Owner or Occupier of any Watercourse or Watercourses, Ditch or Ditches adjoining to 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 such other Person or Persons as aforesaid shall order and direct, after Ten Days Notice shall be given for that Purpose by such Surveyor, or other Person or Persons, then and in every such Case it shall be lawful for such Surveyor 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 Charge 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.

Owners re-
fusing to scour
Watercourses
the Surveyors
may set Men
to cleanse the
same, and
levy the
Charge.

Power to
divert the
Road and to
Corporations,
&c. to sell.

XLII. 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 empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, turn, and alter the Course or Path of any Part or Parts of the said Road; and every Variation may be of any Width, not exceeding Sixty Feet, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Lands, Grounds, or Hereditaments, not exceeding Forty Feet, inclusive of the Ditches and Fences on each Side thereof, 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, 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

and Persons interested in any 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 making, widening, diverting turning or altering the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, and 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, Husbands, 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, Husbands, 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.

XLIII. Provided always, and be it further enacted, That the said Trustees in making, widening, diverting, shortening, varying, turning, or altering the said Road, shall not deviate more than Forty Feet 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.

Restraining the Trustees from deviating more than Forty Feet.

XLIV. And be it further enacted, That if any of such Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees, 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 such 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 enquired into and ascertained, 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,

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

or

Their Verdict
to be final.

Sheriff to sum-
mon Jury.

or other Person or Persons interested for or 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, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Trustees or any Seven or more of them shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupiers of or other Persons interested in the said Lands or Grounds according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming any Estate in Fee Simple, or Fee Tail for Life or Lives, or Years in Possession, Reversion, Remainder or otherwise, their Heirs, Successors, Executors, Administrators, Infants, Issue unborn Females Coverts, 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 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 empanel, 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 empanel, summon, and return such Number accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any One 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; and the said Trustees or any Seven or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on the said Sheriff, his Deputy or Deputies, Bailiffs or Agents, or

on such Coroner making Default in the Premises, or on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; provided that no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Coroner, or the Sum of Five Pounds on any other Person for any one Offence.

Sheriff to be
fined on neg-
lect of Duty.

XLV. 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 of 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 shall be borne and paid by the Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; 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 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 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 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 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 on 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, or any Seven or more of them, in Manner aforesaid.

For paying
Expences of
Juries.

How the Purchase Money is to be paid.

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

No Building to be damaged or Garden Ground, &c. to be taken for the Purposes of this Act.

Roads discontinued not to be repaired.

XLVI. And be it further enacted, That every Sum of Money, Recompence, 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 to the Parties or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same upon leaving the same in the Hands of the Treasurer of the said Road for the Use of such Parties or Persons or their Agents 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 Road, in such Manner as the said Trustees or any Seven or 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 Road, to be repaired by virtue of this Act, and shall be repaired accordingly; and after such new Road shall be compleated, the Lands 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 shall sell and convey the same for the best Price that can be gotten, and the Money arising from such Sale shall be applied for the Purposes of this Act, and the said Trustees or any Seven or more of them are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Roads for any Part or Parts of such new Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges, to be made of such Lands or Grounds, being executed by the said Trustees or any Seven or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees or any of them, or any other Person or Persons to pull down or damage any Dwelling House or other Building, or to take, use, or possess any Ground having been used as a Garden, Orchard, Yard, Walk, or Avenue to a House, or Plantation or Nursery of Trees, for the Space of Twelve Calendar Months then last past, without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Orchard, Yard, Walk, Avenue or Plantation or Nursery of Trees respectively, his, her, or their Agent or Agents, under their respective Hands for that Purpose first had and obtained.

XLVIII. Provided also, and be it further enacted, That in case the ancient or former Road over any Moor or Waste Grounds, shall by virtue of this Act be turned or diverted, the Inhabitants of the Parish, Township or Hamlet wherein the ancient or former Road which shall thereby be left or discontinued shall be situate, shall not be obliged to repair such ancient or former Road, unless the same leads to some Town, Village, or Hamlet, with which the new Road doth not communicate.

XLIX. Provided

XLIX. Provided always and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase the same respectively, any affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace by some Person or Persons not interested, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be) and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Lands to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein 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 as afore-said 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 Non-application of such Money: Provided also, that no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds or Hereditaments, wherein he shall be personally interested.

Directing
Pieces of old
Roads to be
offered for
sale of the
Proprietors
of the adjoining
Lands.

Trustees not
to act where
interested,

L. And be it further enacted, That if any Money 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 Coverts, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of England, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid 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 Part 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 Messuages, 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,

Application of
Compensation
of Money
amounting to
200l.

which

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 mean Time, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant-General in his Name, in the Purchase of the Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time 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.

If under 200l.
and exceeding
20l.

LI. 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 Politick, 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 Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Directions or Approbation of the Court of Chancery.

If under 20l.

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

In case of not
making out
titles.

LIII. And be it further enacted, That in case the Person or Persons, to whom any Sum or Sums of Money shall be awarded or assessed for any

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 shall be 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 every 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.

LIV. 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 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, and 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.

Where any Question shall arise touching the Title to Money to be paid, the Persons who may be in Possession shall be entitled thereunto.

LV. 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

[*Loc. & Per.*]

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under

The Court of Chancery may order Expenses of Purchases to be paid by the Trustees.

under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, 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 said Trustees, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

New Roads to be fenced by the Trustees.

LVI. 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.

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

LVII. Provided always, and be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same Road, 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 *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 Road, 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: Provided always, that all Persons by Law chargeable towards repairing any Part or Parts of the said Road, or any Bridges thereon, shall still remain so chargeable, and shall do their respective Statute and other Work in or upon the other Highways of the Parishes, Townships, or Districts in which the said Road doth or shall lie, in like Manner as before the passing of this Act (subject nevertheless to the Regulations herein-after expressed concerning the same); and where any old Road shall be discontinued by virtue of this Act, such Statute or other Work shall be performed upon the new Road made in lieu thereof.

Statute Work to be continued.

How the Statute Work is to be apportioned;

LVIII. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Road by the Inhabitants of the several Parishes, Townships, and Districts through which the said Road doth or may pass, be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the County, Division, or District in which the Parish or Township is situate, and they are hereby required, at any Petty or Special Sessions of the Peace, upon Application to them made

made by the said Trustees to adjudge and determine what Part or Proportion of the Statute Work shall yearly and every Year be done in and upon the Road hereby directed to be repaired, by the Inhabitants of each or any of the Parishes, Townships, or Districts in or through which the said Road doth or may pass.

LIX. And be it further enacted, That the respective Surveyors of the Highways in all the Parishes, Townships, and Districts through which the said Road doth or may pass, shall yearly and every Year during the Continuance of this Act, within Ten Days after Demand made to them respectively in Writing by the Treasurer, Clerk, or Surveyor of the said Road in pursuance of an Order under the Hands of Two or more acting Justices of the Peace for the County, Division, or District in which the Parish or Township is situate, give and deliver to the Person making such Demand a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their said respective Parishes, Townships, and Districts, who are by Law chargeable towards repairing the said Road in such Parishes, Townships, and Districts, and shall set forth in such List what each Person is respectively chargeable with for and towards the same, and also the full Rent or Annual Value of Lands, Woods, Tythes, and Hereditaments, in each of such Person's Occupation; and such respective Parish or Township Surveyors, within Four Days after Notice to them given by the said Turnpike Surveyor or Surveyors, of the Time or Times when and where and how many of the Persons so chargeable as aforesaid he would have to perform their respective Statute or Days Work, shall summon or give Notice thereof in the Mode prescribed by Law to the Person so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors, shall neglect or refuse to do as he or they is and are hereby required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay a Sum not exceeding Ten Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Road, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers and Oxen or Horses according to the Custom of the Country, and proper Tools to do and perform such their respective Days Work upon the said Road so to be adjudged and apportioned as aforesaid, he, she, or they so neglecting or refusing shall forfeit and pay a Sum not exceeding Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Labourers or other Persons so chargeable towards repairing the said Road shall at any Time neglect or refuse (after such Summons or Notice as aforesaid) to do and perform such their respective Days Work upon the same Road, they shall respectively forfeit and pay a Sum not exceeding Two Shillings and Sixpence for every Day's Neglect; and if any Person or Persons who shall according to such Summons or Notice as aforesaid, come to work as Labourers, or shall be sent with any Team, Draught, Cart, or Wain to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done, then and in every such Case such Turnpike Surveyor or Surveyors may and is and are hereby authorized and required to discharge and dismiss every such Person or Persons who shall be so found
idle

idle or negligent, or not doing their Work, and it shall be deemed and taken as if such Persons had not come, or as if such Team, Wain Draught, or Cart had not been sent to work on the said Road, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Courle of the succeeding Year.

The Trustees may compel Surveyors of Highways to account for Composition Money.

LX. Provided always, and be it further enacted, That it shall be lawful for any Two or more acting Justices of the Peace for the said Counties of *Lincoln* or *Rutland*, or any Division or District therein respectively, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Parishes or Places (the Inhabitants whereof shall be liable to perform Statute Work on the Road by this Act authorized to be repaired) to appear before the said Justices, and there to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by way of Composition for Statute Work in their several or respective Parishes or Places (which Account shall be verified upon Oath); and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid, or if required to verify the same upon Oath, or to pay to the Treasurer of the said Road, or as the said Justices shall direct, within Five Days from the Time of producing the said Accounts, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors or any of them shall have received, or without their wilful Neglect or Default might have been received, that then and in all or any of the said Cases the Person or Persons so offending shall for every separate Offence forfeit and pay a Sum not exceeding Five Pounds.

Statute and other Work may be compounded for.

LXI. 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, Body Politic or Corporate, liable to or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same, or the Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which the said Road shall 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 by the Inhabitants of such Parishes, Townships, and Districts upon any Part or Parts of the said Road.

Powers to recover the Composition Money for Tolls, Statute and other Work.

LXII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpikes or Toll Gates, or 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 *Lincoln* or *Rutland*,

land, 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 Surveyors of the Highways or other Person or Persons so having compounded or agreed to pay 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.

LXIII. And be it further enacted; That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the said Highways.

How Surveyors of the Highways are to be reimbursed the Composition Money.

LXIV. 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 Road, 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, and 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.

Trustees may contract for Repairs.

LXV. And be it further enacted, That the said Trustees shall cause Milestones or Posts to be set up and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles and Distances of Places, and also Direction Posts where any other Roads lead out of or into the same Road; and if any Person or Persons shall wilfully break, pull down, destroy, or damage any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, 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.

Milestones and Direction Posts to be erected.

LXVI. 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) shall upon Proof of the Offences and Conviction of the Offenders respectively

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

tively before any One or more Justice or Justices of the Peace for the County, Division, or District wherein such 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, 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, 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 by this Act) shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines 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, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Transient
Offenders
may be appre-
hended.

LXVII. 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 other Persons respectively, and such other Person or Persons as he or they shall call to his or 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; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, and upon Conviction of the Offender or Offenders, by the Justice before whom he, she, or they shall be taken, it shall be lawful for such Justice or Justices respectively, to commit him, her, or them to the Gaol or House of Correction for the County, Division, or District where the Offence shall have been committed, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalty by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

LXVIII. And, for the more easy Conviction of Offenders against this Act, be it therefore enacted, That the Justice or 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 Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be.

to wit, { **BE** it remembered, That on [Time of Conviction] at [Place of Conviction] **Conviction** *Form 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] did [here state the Offence against the Act according to the Fact] contrary to the Form of the Statute made in the Forty-eighth Year of the Reign of His Majesty King George the Third, 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 his said Offence the Sum of [Fine] 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 first above written.

LXIX. 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, 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 Treasurers of the said Road, and within Four Days next after such Notice entering into a Recognizance before some Justices 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 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 award Costs to the Party appealing or appealed against as they shall think proper, and their Determination shall be final, binding, and conclusive to all Intents and Purposes whatsoever. *Appeal to the Quarter Sessions.*

LXX. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the same Number of Trustees as are empowered to make or direct the same, and shall then be deemed original Orders and Proceedings; which Book or Books, as also the Book hereby directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts and before all Justices, and other Persons having Jurisdiction in the Premises. *Books to be kept.*

LXXI. 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, in the Name of their Clerk or Clerks, Treasurer or Treasurers for the Time being, and that no Action or Suit to be brought *Trustees may sue and be sued in the Name of their Clerk or Treasurer.*

or commenced by the Direction of or against the said Trustees in the Name of the Clerk or Clerks, Treasurer or Treasurers, 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 of such Clerk or Clerks, Treasurer or Treasurers, without the Content of the said Trustees, but that the Clerk or Clerks, Treasurer or Treasurers for the Time being to the said Trustees, 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, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he or they shall 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.

Limitation of
Actions.

LXXII. 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 said Road, 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 thereon, 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 Judgement 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.

Commence-
ment and
Continuance
of the Act.

LXXIII. And be it further enacted, That this Act shall commence and take Place upon the Second *Monday* next after the passing thereof, 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.

Public Act.

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