



ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

\*\*\*\*\*

## *Cap. 50.*

An Act for repairing, improving, maintaining, and widening the Road branching out of the Great North Road, by the Guide Post at the South End of *Spittlegate*, in the Parish of *Grantham* in the County of *Lincoln*, and leading from thence to the Turnpike Road at or near *Bridge End* in the same County.

[5th June 1804.]

**W**HEREAS the Road branching out of the Great North Road by the Guide Post in *Spittlegate*, in the Parish of *Grantham*, and leading from thence to the Turnpike Road at or near *Bridge End*, in the County of *Lincoln*, through the several Parishes, Lordships, or Liberties of *Spittlegate*, *Harrowby*, *Somerby*, *Welby*, *Ropsley*, *Hather*, otherwise *Haydor*, *Braceby*, *Haceby*, *Dembleby*, *Newton*, *Scot-Willoughby*, *Osbourne*, *Threckingham*, *Spanby*, *Horbling*, *Swayton*, and *Bridge End*, or some of them, in the County of *Lincoln* aforesaid, is very much out of Repair, and in many Places narrow and incommodious for Travellers and Passengers; and it would be a great Convenience to the Neighbourhood, and of publick Utility, by facilitating and improving the Communication between the Town of *Grantham* aforesaid, and the Towns of *Falkingham* and *Donington*, and other Places in the said County of *Lincoln*, if the said Road were properly amended, widened, altered, varied and kept in Repair; but the several Purposes aforesaid cannot be effected without the Aid and Authority

[*Loc. & Per.*]



Trustees appointed.

of Parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Brown, Edward Brudenell, Clerk, Thomas Burbidge, William Butcher, Clerk, John Charles, Lucas Calcraft, James Catlett, Mountague Cholmeley, John Cholmeley, Clerk, John Cragg, John Corrie, Clerk, George Crabbe, Clerk, The Honourable John Cust, The Honourable Henry Cust, William Dodwell, Clerk, Henry Dodwell, Clerk, John Dore, Thomas Easton, Clerk, Jeremiah Ellis, Doctor in Divinity, Joseph Ferguson, Elias Benjamin de la Fontaine, George de Ligne Gregory, Edward Gregory, Clerk, Charles Gery, Clerk, James Garnar, George Gordon, Clerk, Thomas Gozna, Edward Grundy, Samuel Hand, Joseph Hall, Clerk, Sir Gilbert Heathcote, Baronet, Robert Heron, Robert Heron, Clerk, Samuel Herbert, Doctor in Divinity, Samuel Hurst, James Raymond Johnstone, Robert Kilham, Jonathan Kendall, Clerk, Richard Kilsha, Clerk, William King, Joseph Lawrence, John Rowland Litchford, Clerk, John Makings, The Honourable Charles Manners, commonly called Lord Charles Manners, The Honourable Robert Manners, commonly called Lord Robert Manners, Sir William Manners, Baronet, Charles Manners, John Manners, Thomas Manners, Clerk, John Manners of Grantham, Gilden Manton, John Maydwell, Clerk, William Mitton, John Myers, Clerk, John Myers the younger, Clerk, Stephen Oliver, William Pennyman, Richard Palmer, Doctor in Divinity, Richard Palmer, Clerk, the Honourable Edward Perceval, William Peters, Clerk, Edward Porter, Charles Raby, William Reeve, John Scott, Clerk, Thomas Burton Shaze, Benjamin Smith, Benjamin Smith the younger, Edward Bowyer Sparke, Clerk, Sir John Thorold, Baronet, John Grundy Thompson, Clerk, Thomas Thoroton, John Hayford Thorold, William Thorold, Michael Thorold, Clerk, Henry Thorold, Clerk, Burgoyne Tomkins, Robert Turner, Edmund Turnor the younger, Baptist Noel Turner, Henry Lee Warner, Sir Thomas Welchcote, Baronet, Sir William Earle Welby, Baronet, William Earle Welby, Thomas Earle Welby, Mountague Earle Welby, Clerk, William Gregory Williams, Thomas Wilson, Doctor of Physic, Simon Yorke, and the Alderman, Recorder, Deputy Recorder, Town Clerk, Com-Burgessees, commonly called the *First Company*, and Burgessees, commonly called the *Second Company*, of the Town or Borough of *Grantham* for the Time being, shall be, and they are hereby appointed Trustees for making, altering, widening, repairing, diverting, improving, and keeping in Repair, the Road branching out of the Great North Road, by the Guide Post at the South End of *Spittlegate*, in the Parish of *Grantham* aforesaid, and leading from thence to the Turnpike Road at or near *Bridge End* in the said County of *Lincoln*, through, by, or near to, the several Parishes, Lordships, or Liberties of *Spittlegate, Harrowby, Somerby, Welby, Ropsley, Hather* otherwise *Haydor, Braceby, Haccby, Dumbleby, Newton, Scot-Willoughby, Osbournby, Threckingham Spanby, Horbling, Swayton* and *Bridge End*, or some of them, in the County of *Lincoln* aforesaid, and for putting this Act in Execution.*

Power to appoint new Trustees.

II. And be it further enacted, That as often as any of the Trustees hereby appointed, and to be elected and appointed as hereinafter mentioned, shall die, or 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 any Writing under their



their respective Hands, to elect and appoint some fit Person to be a Trustee, in the Room of every Trustee so dying or refusing to act, Ten Days previous Notice in Writing, of the Time and Place of Meeting of the said Trustees for every such Election, being given by the Clerk or Clerks, Treasurer or Treasurers, for the Time being, to the said Trustees by affixing such Notice upon all the Turnpike Gates then erected across the said Road, and also by inserting the same in the Newspaper, called *The Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper printed or usually circulated in the said County of *Lincoln*; and every Person who shall be elected, and appointed a Trustee in Manner aforesaid, shall and may act with the surviving and continuing Trustees, in the Execution of this Act, in the same Manner as if he had been originally named and appointed a Trustee in and by this Act.

III. And be it further enacted, That all Powers and Authorities relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in Cases hereinafter particularly mentioned, as requiring a greater or less Number of them, and that all Orders and Proceedings so had, made or done, shall have the same Force and Effect as if had, made, or done by or before all the said Trustees.

All Acts may be done by Trustees unless otherwise directed.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under the same, nor in any Case wherein he shall be personally interested; nor shall any Person be qualified to act as a Trustee in the Execution of this Act, unless he shall at the Time of his acting be entitled to some Estate for Life or of Inheritance, in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments, situated in that Part of the United Kingdom called *England*, of the clear yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent to some Person who shall be truly and *bond fide* seized of, or entitled to, some Estate for Life or of Inheritance, in Possession of or to Messuages, Tythes, or Hereditaments, in that Part of the United Kingdom called *England*, of the clear yearly Value of Three hundred Pounds above Reprizes, or shall be possessed of a personal Estate alone, or real and personal Estate together, of the Amount or Value of One thousand Pounds over and above what will be sufficient to pay all his just Debts; nor (except in administering the Oath following, and giving Notice of the first Meeting of the Trustees hereinafter mentioned), until he shall have taken and subscribed before any Three or more of the said Trustees, who are hereby authorized to administer the same, an Oath, in the Words or to the Effect following, as the Case may require (that is to say):

Qualification of Trustees.

‘ I do swear, that I am truly and *bond fide* seized or entitled to some Estate for Life or of Inheritance, in Possession of or to Messuages, Lands, Tenements, Tythes or Hereditaments, in that Part of the United Kingdom called *England*, of the clear yearly Value of Fifty Pounds above Reprizes [*And in the case of an Heir Apparent*]  
 ‘ I do swear, ‘ That I am Heir Apparent to C. D,  
 ‘ who to the best of my Knowledge, Information and Belief, is truly  
 ‘ and *bond fide* seized or entitled to some Estate for Life or of Inheritance, in Possession of or to Messuages, Lands, Tenements, Tythes  
 ‘ or

The Oath.

‘ or Hereditaments, in that Part of the United Kingdom called  
 ‘ *England*, of the clear yearly Value of Three hundred Pounds above  
 ‘ Reprizes [*And in Case of personal Estate alone, or of real and per-  
 ‘ sonal Estate together*] I do swear, That I am truly  
 ‘ and *bonâ fide* possessed of a personal Estate, [*or of 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 faithfully and  
 ‘ impartially, according to the best of my Judgment, act in the Execution  
 ‘ and Performance of the several Trusts, Powers and Authorities reposed in  
 ‘ me as a Trustee, by Virtue of an Act passed in the Forty-fourth Year of  
 ‘ the Reign of His Majesty King *George* the Third, intituled [*Here set forth  
 ‘ the Title of this Act*]. So help me God.’

Penalty for  
 Acting if not  
 qualified.

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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance 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.

The Acts of  
 unqualified  
 Trustees pre-  
 vious to Con-  
 viction de-  
 clared valid.

V. Provided always, That all Acts and Proceedings of any Person acting as a Trustee in the Execution of this Act, previously to his being convicted of the Offence before mentioned, shall be as valid and effectual as if such Person had been duly qualified, according to the Directions of this Act.

Mortgages  
 may act.

VI. Provided always, That any Mortgagee, or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Meetings of  
 Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the Guildhall in *Grantham* aforesaid, or at some other convenient House in the same Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Three of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards, meet at the said Guildhall, or at such other House in the same Town, or at such other Place within the Distance of Five Miles from some Part of the said Road, and at such Times as the said Trustees 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, (three Trustees shall be deemed sufficient for the Purpose of Adjournment only); or in Case the Trustees at any Meeting assembled shall neglect to adjourn such Meeting, then and in every such Case, every such Meeting or intended Meeting shall be, and is hereby



hereby adjourned to the Twenty-eighth Day next after the Day on which such Meeting was held, or was intended to be held, and at the same Place; and so from Twenty-eight Days to Twenty-eight Days, until a sufficient Number of Trustees do or shall meet and adjourn; and Public Notice of every such Adjournment shall be affixed upon every Turnpike Gate then erected across the said Road Ten Days at least before the Day of Meeting: And in Case the Clerk or Clerks to the said Trustees shall omit, neglect or refuse to give such Notice, or by any Means shall be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees (although not assembled at a Meeting) at any Time or Times after the Space of Twenty-one Days, after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the said Trustees to meet at *Grantham* aforesaid, or at some Place in or near the said Road, upon that Day three Weeks after the Date of such last-mentioned Notice.

VIII. Provided always, and be it further enacted, That if upon any Emergency, it shall be thought necessary by any Three or more of the said Trustees, that an earlier Day of Meeting should be appointed than the Day to which such Meeting should have been adjourned, in that Case the Clerk or Clerks, Treasurer or Treasurers, of the said Road, upon an Order in Writing signed by Three or more of the said Trustees (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, in the Manner herein before directed, (the Time of Meeting not being less than Ten Days after such Notice) and all Proceedings of the Trustees at such earlier Meeting, shall be as valid and effectual as they would have been in case the Trustees had met in Pursuance of Adjournment: And the said Trustees shall at all their Meetings defray their own Expenses.

Meetings on Emergencies.

Trustees to pay their own Expenses.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or the major Part of them, present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all Contracts, Agreements, Orders, Directions, Appointments and Determinations, in the Execution of this Act, all of which shall be signed by the Trustees making the same; and no such Contract, Agreement, Order, Direction, Appointment or Determination shall be valid, unless so made and signed at such Meeting, and unless the Number of Trustees by this Act authorised to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Contract, Agreement, Order, Direction, Appointment or Determination so signed, shall be revoked or altered at any subsequent Meeting, unless Twelve or more Trustees shall be present, and Eight of them at least shall concur therein.

How Orders of the Trustees are to be made and revoked.

X. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may 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, and also such and so many Toll Gates or Turnpikes on the Sides of the said Road, and in, upon, and across any Lane or Byeway, that doth or shall lead into or out of the same, as the said Trustees shall think proper, (subject nevertheless to the Restrictions and Directions hereinafter mentioned concerning the

Power to erect Toll Gates.

[*Loc. & Per.*]

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same)



same) and also shall and may erect, or otherwise provide, a Toll House to every or any of the said Toll Gates or Turnpikes, with suitable Buildings and other Conveniences thereto, and inclose from the Sides of the said Road convenient Gardens for the same.

And to take  
Tolls.

And that the several Tolls hereafter particularly mentioned, shall be demanded and taken, at each of the Toll Gates or Turnpikes which shall be erected in pursuance of this Act (except as hereinafter is expressly directed or provided to the contrary) before any Horse, Gelding, Mare, Mule, Ass, Cattle, Beast 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 Horse, Ox, or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Hearse, or Chaise Marine, Curricule, Chair, Gig, Whiskey, or other Four or Two Wheeled Carriage of the like kind, the Sum of Sixpence.

For every Horse, Ox, or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Kind, the Sum of Sixpence.

For every Four Wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart, or other Carriage drawing the same, 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 same, the Sum of One Shilling.

For the same, if unladen or empty, the Sum of Sixpence.

For every pair of Mill Stones drawn by Five or more Horses or Oxen, or other Beasts, the Sum of Three Shillings and Sixpence.

For every Drug, so constructed as that the Distance between the Axletrees thereof, measured at the Ends, shall be more than Nine Feet and laden otherwise than with a single Piece of Timber, the Sum of One Shilling and Sixpence, over and above the Toll or Duty payable for the Horses drawing the same.

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

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score, and so on in Proportion for any greater or less Number.

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.

Power to re-  
cover the  
Tolls.

Which said respective Sums shall be demanded and taken in the Name of, and as Toll, by such Person or Persons as the said Trustees shall from Time to Time authorise and appoint to receive the same: And if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Person or Persons authorised to receive the same, neglect or refuse to make Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons so authorised, to seize and distrain any Horse, Cattle or Beast, upon which any Toll is by this Act imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness or Accoutrements of any such Horse, Cattle or Beast; and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Three Days next 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, Loading or Accoutrements so distrained; and out of the Money which shall arise by such Sale, pay or retain such Tolls, and all reasonable



reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

XI. And be it further enacted, That if any Disputes 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, till the Quantity of the Tolls, and the Charges of such Distress, shall be ascertained by some Justice of the Peace for the Parts of *Kesteven* or Soke of *Grantham*, in the County of *Lincoln*, as the Case may be; who upon Application made to him for that Purpose, shall examine the Matter upon 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 Cattle and Goods so distrained, or the said Overplus or any Part thereof respectively.

For settling  
Disputes con-  
cerning Tolls.

XII. And be it further enacted, That in Case any Dispute, Suit or Litigation shall arise touching or in any wise 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 to give Evidence therein, by reason of his being so appointed to collect the said Tolls.

Collectors de-  
clared com-  
petent Wit-  
nesses.

XIII. 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 hereby granted, or hereby made payable, at all or any of the Toll Gates or Turnpikes to be erected by Virtue of this Act, and to cause the same to be collected in such Manner, Parts and Proportions as they shall think fit; and to raise, vary or alter the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to five sixth Parts of the Money then due, on Security of the said Tolls; but no such Alteration shall be made unless at a Meeting of the said Trustees, at which Ten of them at least shall attend, and Twenty-one Days previous Notice thereof in Writing shall be affixed upon all the Turnpike Gates then erected across the said Road, and also inserted in some One or more Newspaper or Newspapers, printed or circulated in the County of *Lincoln*.

Tolls may be  
varied, but  
not to exceed  
certain Sums.

XIV. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than once at any One Toll Bar or Turnpike Gate, to be erected by Virtue of this Act, for passing and repassing any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts and Carriages, through the same Toll Bar or Turnpike Gate (except as herein is excepted); but that all and every Person or Persons having paid Toll once as aforesaid, and producing a Ticket denoting the Payment of such Toll (which Ticket the Collector of the Tolls is hereby required to give gratis on Receipt of the Toll) shall afterwards pass and

Tolls to be  
paid but  
once a Day.



and repass, with the same Horses, Cattle, Beasts and Carriages, Toll Free, during the same Day, through the same Toll Bar or Turnpike Gate where such Toll was paid.

Not more  
than three  
full Tolls to  
be taken.

XV. Provided always, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees, or any of them, to cause more than Three full Tolls to be demanded and taken for the Passage of the same Horses, Cattle, Beasts and Carriages, or other Things, through all the Toll Gates to be erected between the Great North Road and the Turnpike Road at or near unto *Bridge End* aforesaid, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the next Night; which said Tolls or Duties, and every Part thereof, shall be vested in the said Trustees, and shall be paid, applied and disposed of, for such Uses, Intents and Purposes, as are by this Act directed and appointed, and to and for no other Use, Intent or Purpose whatsoever.

Exemptions  
from Tolls.

XVI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Ox, or other Beast, drawing in any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the said Road, or any Works thereon, or any of the Highways in the several Parishes, Townships, Lordships, Hamlets, and Places through which the said Road shall pass, or any Hay, Corn in the Straw, or other Produce of Lands lying within the respective Parishes, Townships, Lordships, Hamlets, and Places aforesaid, to be laid up, used, or consumed in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Owners of the same several Parishes, Townships, Lordships, Hamlets, and Places, or Lime or other Manure, to be used for the Improvement of Lands; nor when returning unladen after carrying or conveying any such Materials or other Things; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, drawing or not drawing, and employed in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horses, Mares, Geldings, or Cattle, when going to or returning from being shod or farried, or going to or returning from Water or Pasture; provided that such last mentioned Exception shall only extend to such Cattle as shall be driven to and from Water or Pasture, from One Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, which shall only cross such Road, and shall not pass above One hundred Yards thereon, or when carrying or conveying any Person or Persons residing in the same Parishes, Townships, Lordships, Hamlets, or Places, who shall pass on *Sundays* or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, through any of the said Turnpikes, to or from Church or Chapel, or any other Place of Religious Worship tolerated by Law, or when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes, Townships, Lordships, Hamlets, or Places; nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet, made up under the Authority or Direction of His Majesty's Post-Master General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon  
Duty;



Duty ; nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages, shall return within the same Day ; nor for any Horses, Carts, or Carriages, employed only in carrying or conveying Vagrants sent by legal Passes ; nor for any Horse, Mare, Gelding or Mule, drawing or not drawing, carrying or conveying any Elector or Electors to or from an Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Lincoln* : And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from Toll herein contained, not being entitled to the same, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted:

XVII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle or Beast, 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 erected 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, or Beast, to pass through the same, whereby Payment of any of the said 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) any Ticket by this Act directed to be given by a Collector of the said Tolls ; or shall forge or counterfeit any such Ticket, or shall forcibly pass through any such Toll-Bar or Turnpike Gate as aforesaid, with any Horse, Cattle, or Beast, 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 Carriage, Horse, Cattle, or Beast, 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 Goods from 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, nor less than Forty Shillings, 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 directed.

To prevent  
Evading of  
the Tolls.

XVIII. 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 Lordships, to or through which the said Road leads, and who shall duly perform their Statute Work upon the same, for the passing of their Horses or Cattle through all or any of such Toll Gates or Turnpikes as aforesaid.

Power to  
compound for  
the Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, after having given Twenty-one Days previous Notice thereof in  
[*Loc. & Per.*]  
9 S  
Writing,

Power to  
leave the  
Tolls.



Writing, to be affixed upon all the Turnpike Gates erected across the said Road, and to be inserted in One or more Newspaper or Newspapers printed or circulated within 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 Three Years, for the best Rent or Price that can reasonably be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, as the said Trustees shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees shall think fit.

Power to remove Toll-Gates.

XX. Provided always, 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 cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, or across, or on the Sides 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 Road, as the said Trustees 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 One or more of the Newspaper or Newspapers printed or circulated within the said County of *Lincoln*.

Tollhouses, &c. vested in the Clerk or Treasurer.

XXI. 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, 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 shall from Time to Time 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 Turnpikes, Toll Gates, or Toll Houses, or any of the Conveniences or Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforesaid, or any new 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.

For recovering the Subscriptions.

XXII. And be it further enacted, That if the several Persons who have become Subscribers, or shall become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same into Execution, or any of them, shall after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Treasurers, Clerk or Clerks of the said Road, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling



Dwelling House, or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed, and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice having been given as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered, with full Costs of Suit.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings, to borrow and take up at Interest, upon the Credit of the Tolls to arise by Virtue of this Act, any Sum or Sums of Money, which they shall think necessary for the Purposes of this Act; provided that no Money shall be borrowed after the first three Meetings of the said Trustees, unless Twenty-one Days previous Notice thereof shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road, and also shall have been published in one or more Newspaper or Newspapers printed or circulated within the said County of *Lincoln*; and the said Trustees are hereby empowered by any Writing or Writings under their respective Hands and Seals, from Time to Time to assign and mortgage the said Tolls, or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any Subscriber or Subscribers as aforesaid, or other Person or Persons who shall advance such Sum or Sums of Money as aforesaid, their respective Executors, Administrators and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form, or in Words and to the Effect following (that is to say):

For borrow-  
ing Money  
on Security  
of the Tolls.

For borrow-  
ing Money  
on Security  
of the Tolls.

BY Virtue of an Act of Parliament, made and passed in the Forty-  
 fourth Year of the Reign of His Majesty King George the Third, Form of Security.  
 intituled [*Here set forth the Title of this Act*] We  
 of the Trustees for putting the said Act into Execution, in Consideration  
 of the Sum of \_\_\_\_\_ paid by *A. B.* of  
 to the Treasurer of the said Road, do hereby bargain, sell and assign,  
 unto the said *A. B.* such Proportion of the Tolls to arise upon the said  
 Road as the said Sum of \_\_\_\_\_ doth or shall bear to  
 the whole Sum now due or hereafter to become due, on the Security  
 thereof: To hold the same unto the said *A. B.* his Executors, Admini-  
 strators and Assigns, from the Day of the Date hereof for and during  
 the Continuance of the said Act, unless the said Sum of \_\_\_\_\_  
 with Interest for the same after the Rate of \_\_\_\_\_ *per*  
*Centum per Annum*, shall be sooner repaid and satisfied. Given under  
 our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord

Form of Security..

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers of the said Road; which Book or Books may at all seasonable Times

Copies to be entered.

Copies to be entered.







Peace, and shall be transmitted to the Clerk or Clerks of the said Road, who shall make an Entry thereof in the Book or Books which shall be kept for entering Copies of such Mortgage and Transfers as aforesaid; and such Clerk or Clerks shall, upon the Application of the Person or Persons entitled to such Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, give and deliver to him, her, or them a Certificate of such Entry, and where any Person or Persons shall as Executor or Executors, Administrator or Administrators of any Person deceased, become entitled to any such Sum or Sums of Money as last aforesaid, the Probate of the Will or Testamentary Instrument, or Letters of Administration under which such Persons shall be so entitled, shall be produced and shewn to the Clerk or Clerks of the said Road, who shall enter the same, and grant a Certificate thereof in Manner aforesaid; for which Entry and Certificate respectively the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Clerk or Clerks.

XXV. And be it further enacted, That all the Monies which shall arise and be produced by Subscriptions as aforesaid, and from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, 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 shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following, (that is to say); in the First Place, in Payment of the Costs, Charges and Expences of preparing and passing this Act; 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 the several Mortgages or Securities made in pursuance of this Act: in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of making, forming, repairing, widening, and altering the said Road, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers, Provisions, and Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several principal Sums, for the Time being due on such Mortgages or Securities as aforesaid.

XXVI. 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 fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors of the said Road and other necessary Works thereof, and such other Officers as the said Trustees shall think necessary to employ in the Execution of this Act; and shall take such Securities for the Execution of their respective Offices as they the said Trustees shall deem requisite; and such Clerks, Treasurers, Collectors, 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, (provided that no Person being a menial Servant of any Trustee, shall be capable of holding any Place of Profit or Trust under this Act) and the said Trustees are hereby authorized to allow and pay to the several Clerks, Treasurers, Collectors, Surveyors and other Officers, and to such other Person or Persons as shall be assisting in the Execution of this Act, such Salaries and Allowances for their Trouble, Labour and Service

[Loc. &amp; Per.]

9 T

Service



Officers to  
account.

Service as the said Trustees shall deem reasonable; and all such Officers, and all other Persons acting by Order of or for the said Trustees, shall from Time to Time, when thereunto required by the said Trustees, deliver to them or to such Person or Persons as they shall appoint, a true, exact and perfect Account in Writing under their Hands, and to be verified upon Oath if required (which Oath any one or more of the said Trustees is and are hereby empowered to administer) of all Monies which they respectively shall have received to that Time, by Virtue or in pursuance of this Act, and how much thereof hath been paid and disbursed, and to whom and for what Purposes, together with proper Vouchers and Receipts for such Payments, and shall pay all such Monies as upon the Balance of such Account shall appear to be 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 if any such Officer or Person shall refuse or neglect to give such Account, or to produce or deliver up the Vouchers and Receipts relating to the same, or to verify the same upon Oath if required, or to pay the Balance remaining in their Hands when thereto required in Manner aforesaid, or to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Twenty-one Days after having been thereunto required by the said Trustees, all Books, Accounts, Papers and Writings in his, her or their Custody or Power, any Ways relating to the Execution of this Act, or to the said Road or Works; and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County, Division or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, by any One or more of the said Trustees, or by any Person or Persons on his or their Behalf; such Justice may and is hereby authorised and required by Warrant or Warrants to cause such Officer or Officers, Person or Persons to be brought before him, and upon his, her, or their appearing or not appearing (except for some reasonable Excuse, and having been first duly summoned) to hear and determine the Matter in a summary Way, and to settle the said Account if produced, in such Manner as the said Trustees might have done, and if upon the Settlement of any such Account, or upon Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath of any credible Witness or Witnesses, it shall appear to such Justice, that any of the Monies which shall have been collected or received shall be in the Hand of such Officer or Officers, Person or Persons, every such Justice may and he is hereby authorised and required, upon Non-Payment thereof, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels, of such Officer or Officers, Person or Persons respectively, and if Goods or Chattels shall not be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some reasonable Cause or Excuse) or appearing shall refuse or neglect to give and deliver to the said Justice an Account of the Receipts and Payments as aforesaid, or to verify the Truth of any such Account, or of the Articles thereof upon Oath as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Account, or the Books, Accounts, Papers and Writings in his, her or their Custody or Power, relating in anywise to the Execution of this Act, or to the said Road or Works, then and in any or either of the  
Case



Cases as aforesaid, the said Justice may and is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to one of the Gaols or Houses of Correction for the said County, there to remain without Bail or Mainprize, until he, she or they shall have delivered in and settled his, her or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he, she, or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby in such Case empowered to make) or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always that no Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

XXVII. And be it further enacted, that upon the Death, Incapacity, Absconding, Misbehaviour, or Absence of any Collector of the Tolls, 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, shall and lawfully may discharge such Collector or Receiver, who shall so become incapable, abscond, misbehave, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector of the said Tolls, in the stead of such Collector so dying or being discharged, and to continue until the then next Meeting of the said Trustees; which Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable, in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or been subject to.

XXVIII. 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.

XXIX. And be it further enacted, That it shall be lawful for the Surveyor of the said Road, and such other Person or 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 making, forming and repairing the said Road, Toll Houses and Bridges, in, upon, out of and from any Waste Grounds, Commons, Common Quarries, Rivers or Brooks, in any Parish, Township or District, within or near whereto the said Road passes, without paying anything 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;

Trustees may appoint temporary Collectors in certain Cases.

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

Surveyor may get Materials for the Road.



Cattle; and in Case such Materials cannot conveniently be had in such Waste Grounds, Commons, Quarries, Rivers or Brooks as aforesaid, then it shall be lawful for such Surveyor, or such other Person, 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 digged, gathered, taken and carried away, or over which any Materials gotten from any Waste Ground, Common Quarry, River or Brook shall be conveyed, as the said Trustees shall judge reasonable.

Materials not to be taken from Inclosed Grounds without an Order from the Trustees or two Justices.

XXX. 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 Lands, or Private 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 said Lands or Grounds, from which such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before the said Trustees, or Two or more Justices of the Peace acting for the Parts of *Kesteven* or Soke of *Grantham* as the Case may require, 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 Trustees or Justices, after hearing the Parties concerned, shall, if they think proper, authorize 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 Trustees or 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 Trustees or Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Penalty on taking away Materials got by the Surveyor.

XXXI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been digged 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 the 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, 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, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For preventing Objections on the Side of the Road.

XXXII. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing shall be unladen and laid down upon any Moor, Common, or Waste Ground, nearer to the Side of the said Road than the Distance of Thirty Feet, upon Pain that every Person so offending, and being



being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

XXXIII. And be it further enacted, That if any Person or Persons shall ride upon any Footway, Path, or Pavement adjoining, to or made on the Side of or upon the said Road, or shall wantonly lead or drive any Horses, Cattle, or Carriages thereon, or shall cause any Damage to be done to such Footway; or if any Person or Persons shall put or turn any Horse, Ass, Swine, or other Beast, or Cattle of any Kind, into or upon the said Road or the Sides thereof, or shall leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage, in, upon, or on the Side of any Part of the said Road, either with or without any Horse, or other Beast of Draught, harnessed or yoked thereto (except in Case of Accidents) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalty on  
damaging  
Foot-Ways,  
&c.

XXXIV. 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 and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw-Pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise; and also to divert or turn any Water-Courses, 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, 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 has been given for that Purpose, under the Hand of such Surveyor, from Time to Time, and the Charges thereof respectively, being settled by the said Trustees, shall be reimbursed to such Surveyor, from Time to Time, 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 the same Manner as the Penalties, Forfeitures, and Fines, by this Act authorised to be imposed, are herein-after directed to be levied and recovered; and if after the Removal of any such Nuisances and Annoyances as aforesaid, any Person shall offend again in like Manner, every Person so offending again, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors  
may remove  
Annoyances.

XXXV. 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, without giving any previous Notice, to remove all Earth, Trees, Roots of Trees, and other Things which shall suddenly slide, fall, or be blown down, from any Hedge, Bank, or Land, into or upon any Part of the said Road, 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 to 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

Surveyors  
empowered  
to remove  
sudden Ob-  
structions  
without  
Notice.

[Loc. & Per.]

9 U

to



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.

Surveyor  
may make  
Ditches,  
Drains,  
Bridges, &c.

XXXVI. 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 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, re-build, and keep in Repair, Bridges, Tunnels, 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, as the said Surveyor shall judge necessary; 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 herein-after 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 and Passengers, making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which such Owners or Occupiers respectively, shall sustain thereby, as the said Trustees shall judge reasonable.

Power to widen turn or alter the Road

And to purchase Lands.

Power to Corporations &c. to sell.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees at any Time or Times to widen the said Road, and to divert, turn, or alter the Course or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road, through or over any Moor or Waste Ground, without making any Satisfaction for the same, and also through, over, or upon any private Lands or Tenements (except as herein-after is mentioned) first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Tenements, for the Purchase thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, shall or may anyways sustain, by making, widening, turning, or altering, any Part or Parts of the said Road: and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, for and on Behalf of any Infants, Females Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such Lands or Tenements, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell to them all or any of such Lands or Tenements, as Occasion shall require, and all Contracts and Sales so made shall, without any Conveyance or Assurance in the Law, be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act; and if any of such Owners, Proprietors, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate



gate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Tenements, upon Notice in Writing by the Clerk or Clerks, Treasurer or Treasurers of the said Road, 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Tenements so to be taken in and added to any Part of the said Road, or into which any Part or Parts of such Road are or is to be turned or altered as aforesaid, shall for 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 shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Lincoln* (which Oaths any One or more of the said Trustees is and are hereby empowered and required to administer), what Damage will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or other Person or Persons interested, for or on Account of the taking of such Lands or Tenements into the said Road, or of turning any Part or Parts of such Road into the same Lands or Tenements; and in order thereto, the said Trustees 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 Justices 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 said Jury's better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damages, Recompence, and Satisfaction, the said Trustees 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 Tenements; 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, or for Life or Lives, or Years, in Possession, Reversion, Remainder, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politick, 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 are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Lincoln*, or in Case such Sheriff or his Deputy or Deputies, shall be any ways interested in the Matter in Question, then to some One of the Coroners of the same County not interested in the Premises, thereby commanding and requiring such Sheriff or Coroner to impanel, summon, and return, a Jury of Twenty-four honest and indifferent Men, qualified according to Law, to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, his Deputy or Deputies,

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

Their Verdict to be final.

Sheriff to summon Juries.



Sheriff, &c.  
may be fined  
on neglect of  
Duty.

Deputies, or Coroner, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such summoning, the said Trustees, or any One or more of them, shall swear, or cause to be sworn, Twelve who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff, his Deputy or Deputies, or 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 acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, Deputy or Deputies, Bailiff or Agents, or such Coroner, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, unless prevented by Sickness or other sufficient Cause, or who shall refuse to be sworn on the said Jury, or on 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 any such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Person for any such Offence.

How the  
Purchase  
Money is to  
paid.

XXXVIII. 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 intitled 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 or Treasurers of the said Road, for the Use of such Parties or Persons, and after Ten Days Notice thereof to such Parties or Persons, or their Agents, all Owners and Occupiers of, and Persons interested in such Lands or Grounds, shall thenceforth be divested of all Right, Title, Claim, and 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 shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall thenceforth, to all Intents and Purposes whatsoever, become, and for ever afterwards be, a common Highway and Turnpike Road, and shall be deemed Part of the Road to be repaired by Virtue of this Act, and shall be repaired accordingly.

How the Ex-  
pences of the  
Jury shall be  
paid.

XXXIX. And be it further enacted, That in Case any Jury shall give in and deliver a Verdict or Assesment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands 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, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that  
then



then and in such Case, the full Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, out of the Monies to arise by Virtue of this Act; but if such Jury shall give and deliver a Verdict or Assesment for no more, or for less Money, than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be paid and borne 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 the Master of His Majesty's Court of King's Bench, or any one of the Prothonotaries of His Majesty's Court of Common Pleas at *Westminster*, either of whom is hereby authorised and required on Request 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 and Tender of the whole Sum or Sums so assessed and adjudged; or 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 to the said Trustees, in and by such Ways and Means as are hereinafter provided, for 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 with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XL. Provided always, and be it further enacted, That nothing in this Act contained, shall empower the said Trustees, or any other Person or Persons, to pull down or damage any Dwelling House or other Building, or to take away or damage any Ground having been used as a Garden, Orchard, Yard, Park, Paddock, Walk or Avenue to a House, or Plantation, or Nursery for 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, Gardens, Orchard, Yard, Park, Paddock, Walk, Avenue, or Plantation, or Nursery for Trees respectively, his, her, or their Agent or Agents, under their respective Hand or Hands, for that Purpose first had and obtained, other than and except a Garden in the Township or Liberty of *Spittlegate* aforesaid, occupied with a Cottage or Tenement now belonging to *Sir William Manners*, Baronet, in the Tenure of *William Shirley*, which Garden it shall be lawful for the said Trustees, having first made, or offered to make, Satisfaction or Recompence for the same to the Proprietor thereof, in Manner before directed, to purchase and make use of for the Purposes of this Act, without any such Consent as aforesaid; but adequate Compensation shall be made by the said Trustees, to the respective Owners of such of the said Dwelling Houses and Tenements as shall be taken for the Purposes of this Act, which Compensation shall be ascertained and paid in such Manner as is herein-before provided in that Behalf.

Dwelling  
Houses, Gar-  
dens, &c. not  
to be da-  
maged.



Roads discontinued not to be repaired.

XLI. Provided also, and be it further enacted, That in Case the ancient or former Road over any Common or Waste Ground shall, by Virtue of this Act, be turned, altered, or diverted, the Inhabitants of the Parish, Township, or Place wherein the ancient or former Road, which shall thereby be left or discontinued lieth, 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.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

LXII. And whereas, by Reason of the Purchases which the said Trustees are hereby empowered to make by Virtue of this Act, they may happen to be seized of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; Be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons from whom such Lands, &c. have been purchased to have the Preference.

XLIII. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, 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 for the County where such Piece or Pieces of Ground shall lie, by some Person or Persons no way interested in the said Piece or Pieces of Ground, 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 in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and that it was not agreed to, or was refused, by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of repurchasing 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 Premises 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-before directed, with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales, which may be made by the said Trustees of such Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation Money when amounting to Two Hundred Pounds.

XLIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privy of the Accountant.



countant 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 towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorise 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, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making 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 said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 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 and Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability, or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in Case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General, 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 the said Trustees (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 Direction or Approbation of the Court of Chancery.

Application when the Compensation is less than Two Hundred Pounds and exceeds Twenty Pounds.



Application  
when the  
Money is less  
than twenty  
Pounds.

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

In Case of  
not making  
out Titles.

Or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid to  
the Bank.

Subject to the  
Order of the  
Court of  
Chancery on  
Motion or  
Petition.

XLVII. And be it further enacted, That in Case the Person or Persons to whom any Sum or Sums of Money, shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by Virtue of 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered; then and in every such Case, it shall and may be lawful to and for the said Trustees, or any five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments (describing them); subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum 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 of Money into the Bank as aforesaid.

Where any  
Question  
shall arise  
touching the  
Title to Mon-  
ey, to be  
paid to the  
Person who  
shall be in  
Possession of  
the Land, &c.

XLVIII. Provided always, and be it 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 Privy 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 of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities; the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession.



session of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuity, 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.

XLIX. Provided also, and be it enacted, That when by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery 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 said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by Virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

L. 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 proper Walls, or Quicksets, or other 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 shall make proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in Good Order and Repair, for the Term of Six Years from the Time that such Quickset Fences shall have been made or planted.

New Road, to be fenced by the Trustees.

LI. 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 Parts of *Kesteven* in the County of *Lincoln*, any Ward, Parish, or Township therein, or otherwise howsoever, all and every such Part and 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, Wards, Parishes, or Townships respectively, and in such Manner as the same ought to have been respectively maintained and kept in Repair, in Case this Act had not been made.

Lands chargeable to the Repairs of Roads and Buildings to continue to.

LII. Provided always, and be it further enacted, 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 Duty to be continued.

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tive Statute and other Work in or upon the said Road, and the other Highways of the Parishes, Townships or District in which the said Road lies, in like Manner as before the passing of this Act (subject nevertheless to the Regulations hereinafter expressed concerning the same); and where any old Road shall be discontinued by Virtue of this Act, such Statute and other Work shall be performed upon the new Road made in Lieu thereof.

How Statute  
Work to be  
apportioned.

LIII. And be it further enacted, That all Persons who by Law, are or shall be chargeable with Statute Work, towards repairing and amending the Road hereby directed and authorised to be made and repaired, shall Yearly and every Year, if thereunto required by the Surveyor or Surveyors of the said Road, in pursuance of an Order of any Two or more Justices of the Peace for the Parts of *Kesteven* or Soke of *Grantham* aforesaid, do and perform such Proportion of their Statute Work, and on such Parts of the said Road within their respective Townships, Parishes, Places and Divisions, and in such Manner, as the said Justices shall direct or require, which said Annual Proportion shall not exceed the Proportion which the said Parts of Turnpike Road shall bear to the other Roads in such Parish, Township, Place, or Division respectively, to be repaired and amended by Statute Labour, respect being at the same Time had in adjusting such Proportion to the Use and Wear of the said different Roads.

Parish Sur-  
veyors to de-  
liver in Lists  
of Persons  
liable to do  
Statute  
Work.

LIV. And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the Parishes, Townships, Places, or Division through which the said Road passes, shall and they are hereby required, Yearly and every Year, within Ten Days after Notice in Writing signed by the Clerk or Clerks, Treasurer or Treasurers, or Surveyor to the said Trustees, in pursuance of an Order under the Hands of any Two or more Justices of the Peace, acting for the Parts of *Kesteven* or Soke of *Grantham* aforesaid, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver to the Person making such Demand, true and perfect Lists in Writing, under their respective Hands, of the Christian and Surname of every Person in the said respective Parishes, Townships, Places, and Divisions respectively, who are liable to do Statute Work or Duty, and shall in such Lists and every of them distinguish and set forth, which of such Persons keep a Team or Teams, and what Lands, Tenements and Hereditaments, and to what annual reputed Value they respectively occupy, and which of them are Labourers, or liable to do Statute Duty as Labourers only; and such respective Parish or Township Surveyors within Six Days after Notice shall have been given them or any of them, in pursuance of an Order of any Two such Justices as last aforesaid, of the Time when and what Part of the Statute Work so chargeable as aforesaid, such Justices have ordered to be done, in or upon any Part or Parts of the said Road (provided the same does not exceed the Proportion aforesaid) shall summon or give Notice thereof, in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors shall neglect or refuse to do as he and 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 for every such Refusal and Neglect, a Sum not exceeding Ten Pounds nor less than Five Pounds: And each and every Person who shall refuse or neglect to

Penalty on  
Surveyors  
making De-  
fault.



do such Statute Duty as they shall be directed to do by such Justices, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to, by any Law or Statute in Force and Effect, for the Repair of the Public Highways : And if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road.

And on Persons neglecting to perform Statute Work.

LV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time when they may judge necessary, to compound and agree, by the Year or otherwise, with the Owners and Occupiers of any Lands, Tenements or Hereditaments, or other Persons, Bodies Politic or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers or Water Courses, 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 passes, 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.

Statute and other Work may be compounded for.

LVI. 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 the said Trustees, or any Justice or Justices of the Peace for the Parts of *Kesteven* or Soke of *Grantham*, in the said County of *Lincoln*, as the Case may be, by Writing under their respective Hands and Seals, to empower the Person or Persons authorised to receive such Composition Money (Oath having been first made before such Trustees, or such Justice or Justices, that the same hath been demanded and remains due ; which Oath they are hereby respectively empowered 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 having so 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.

For recovering the Composition Monies.

LVII. And



How Surveyors of the Highways are to be reimbursed and Composition Money paid by them.

LVII. 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 Highways.

Trustees may contract for Repairs.

LVIII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, is and 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 also to contract with any Person or Persons, Bodies Politick or Corporate, for the Payment of any annual Sum or Sums in gross, as a Compensation or Satisfaction for any Loss, Injury, or Damage which he, she, or they shall or may sustain, by carrying this Act into Execution; 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 and upon 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.

Mile Stones and Direction Posts to be erected.

LIX. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Mile Stones 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 Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said 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 on 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 nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on assaulting Person in the Execution of this Act.

LX. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage the assaulting, interrupting, hindering, or disturbing the Collectors of the Tolls, or any or either of them, or the Turnpike Surveyor, or any Person or Persons employed by him, or by the said Trustees, in the Execution of any Part of this Act, every such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on hauling Timber or Stones on the Road.

LXI. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, excepting only on crossing the same, any Tree or Piece of Timber, or any Stone, otherwise



wife 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, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Forty Shillings.

LXII. 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, 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 and 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 or Treasurers, 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 or 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 Goal or House of Correction for such County, Division, or District, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the recovering thereof, shall be sooner paid and satisfied.

LXIII. 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, District, or Place, 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, or to oblige such Person or Persons so offending to give Security for his or their Appearance at the next Petty Sessions, to be holden for the County, Division, District, or Place, where such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Sessions, or any One or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders,

How Penalties and Forfeitures are to be recovered and applied.

Transient Offenders may be apprehended.

[Loc. & Per.]

9 Z—10 A

either



either by the Justice before whom he, she, or they, shall first be taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively, to commit him, her, or them, to the Goal or House of Correction for the County, Division, District, or Place 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 or them incurred, for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

LXIV. And for the more easy Conviction of Offenders against this Act; be it further 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:

Form of Con- *Lincolnshire* }  
viction. to wit, } ‘ **B**E it remembered, that on [Time of Conviction] at [Place  
of Conviction] A. B. [Name of Offender] of [Addition of  
Offender] was duly convicted before me (or us) [Name and Style of con-  
victing Justice or Justices] for that the said A. B. [Name of Offender] on  
[Time of committing Offence] at [Place of committing Offence] did [here  
state the Offence against the Act according to the Fact] contrary to an  
Act passed in the Forty-fourth 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] has forfeited for the said Offence the Sum of [Fine] or shall  
be committed to [Place of Imprisonment] for the Space of [Time of Im-  
prisonment]; Given under my Hand and Seal, [or our Hands and Seals]  
the Day and Year first above written.’

Appeal to the  
Quarter Ses-  
sions.

LXV. 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, such Person or Persons may, within Six Calender Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at their General Quarter Session, to be holden for the Parts of *Kesteven* or Soke of *Grantham*, as the Case may be, 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 Cause or Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers of the said Road, and within Four Days after such Notice, entering into a Recognizance before such Justice of the Peace for the said Parts or Soke, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the Justices at such Quarter Sessions, and to pay such Costs as shall be awarded against him, her, or them, by such Justices; and the Justices at their said Sessions, on due Proof of such Notice having been given as aforesaid, and of entering into such Recognizance, shall proceed in, 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 Determinations shall be final, binding, and conclusive, to all Intents and Purposes.

Treasurers,  
&c. to give  
Security.

LXVI. And be it further enacted, That the said Trustees shall, and they are hereby required, to take such Security from the Treasurer or Treasurers,



rers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in pursuance of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think proper.

LXVII. 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 provided and kept by the Clerk to the said Trustees for that Purpose, and shall be signed by all or the major Part of the Trustees present at the Meeting at which each respective Order or Proceedings shall be made or had, and that every such Book shall be open at all seasonable Times to the Inspection of any of the said Trustees, who shall be at Liberty to take Copies thereof, or Extracts therefrom, without Fee or Reward; which said Entries duly signed as aforesaid, shall be deemed Originals, and the same or true Copies thereof, and also the Book directed to be kept for registering Mortgages and Transfers, or a true Copy thereof, shall be read and admitted as Evidence in Cases of Appeal, and in all Suits and Actions, in any Court whatever, touching any Thing done or to be done by virtue or in pursuance of this Act.

Proceedings to be entered in a Book.

Books to be Evidence.

LXVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall be done against or by virtue of this Act, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name or Names of their 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 Consent of the said Trustees, at a Meeting to be holden for that Purpose; but that the Clerk or Clerks, Treasurer or Treasurers, for the Time being, to the Trustees, shall be deemed to be Plaintiff or Plaintiffs, Defendant 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 Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

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

LXIX. 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 have been 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 being committed, and every such Action or Suit shall be laid or brought in the County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in every such Action, shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and

Limitation of Actions.



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 the 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.

Public Act.

LXX. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being pleaded specially.

Commence-  
ment and  
Continuance  
of the Act.

LXXI. And be it further enacted, That this Act shall commence and take Place upon the Third *Tuesday* 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 then next Session of Parliament.

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