



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 24.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from *Barton Waterside House* to *Riseham Hedge Corner*, and other Roads therein mentioned in the County of *Lincoln*. [14th April 1808.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for repairing and widening the Road from Barton Waterside House to Riseham Hedge Corner*, and several other Roads in the County of *Lincoln* therein mentioned: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act, passed in the Fifth Year of His present Majesty's Reign, intituled, 'An Act for repairing and widening the Road from Barton Waterside House to Riseham Hedge Corner, and several other of the Roads in the County of Lincoln therein mentioned; and for repairing and widening the Road from the old Bridge in the Town of Brigg in the said County, to Wrawby Bar and Bigby Bar in the said Town; and also the Road from the End of the said Turnpike Road at Caistor in the said County of Lincoln, to the South Gate in the said Town of Caistor.'* And whereas the Trustees appointed to put the said

[Loc. & Per.] 4 Q Acts



Former Acts  
continued.

Acts in execution have in pursuance thereof borrowed considerable Sums of Money on the Credit and Security of the Tolls arising thereby, which with a considerable Arrear of Interest thereon are still due and owing, and cannot be paid off, nor can the said Roads be kept in Repair unless the Term of the said Acts is further continued; and it is expedient that some of the Powers and Provisions thereof should be altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Fifth and Twenty-sixth Years of the Reign of His said present Majesty, and all the Authorities, Tolls, Powers, Privileges, Exemptions, Provisions, Penalties, and Clauses therein contained and now in force (except such of them as are repugnant to any of the Provisions contained in this Act, and as relate to Exemptions from Stamp Duties), shall be and the same are hereby further continued for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly inserted, repeated, and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence upon the passing of this Act; and this Act and the additional Term hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies due and owing upon the Credit of the said Acts, or that may hereafter be borrowed upon the Credit thereof and of this Act, and all Interest now due thereon and hereafter to grow due thereon respectively.

Trustees.

II. And be it further enacted, That *Marmaduke Alington Clerk, Joseph Ashton, William Abraham, Richard Allenby, the Right Honourable William Beauclerc commonly called Lord William Beauclerc, Charles Drake Barnard Clerk, Rowland Bowstead Clerk, George Bulmer, Samuel Booth, Robert Betts, John Brown, Matthew Burkinshaw, Stephen Berry, Christopher Bell, William Borman, John Codd, William Bassett Codd, George Chapman, William Dickinson, Samuel Dickinson, Thomas Dixon, Joseph Dudding, John Dauber, Charles Empson, William Edmondson Clerk, Jonathan Field, William David Field, Thomas Frear, Benjamin Footitt, Marmaduke Nelson Graburn, William Nelson Graburn, Valentine Grantham Doctor in Divinity, John Grantham, John Holt Clerk, John Hildyard Clerk, William Smith Hasleden, James Hudson Clerk, Theophilus Harneis, Theophilus Harneis the younger, Edward Currer Holgate, Henry Holgate, Francis Hudson, William Harrison Clerk, Samuel Harnew, John Kirkby, James Graburn Marris, Nathaniel Main, Martin Munday, Sir Henry Nelthorpe Baronet, John Nelthorpe, George Nelson, Francis Otter, Richard Ostler, the Honourable Charles Anderson Pelham, the Honourable George Anderson Pelham, John Parkinson Doctor in Divinity, Thomas Parkinson, William Richardson, John Richardson, Richard Roadley the younger, William Skipworth, Thomas Skipworth, Philip Skipworth the younger, Thomas Skipworth the younger, John Harneis Swan, Joseph Swan, Redshaw Spring, John Snell, William Edward Tomline, George Clayton Tennyson Clerk, Charles Tennyson, Samuel Turner, Richard Taylor, William Tesb, John Uppleby, John Uppleby the younger, Charles Appleby, Edward Weston, Charles Weston Clerk, George Whitworth, Edward Wright, William Hensworth Wilkinson, John Charles Walter, Stephen Timothy West,*



and *Edward Young*, shall be and they are hereby appointed Trustees to put the said recited Acts and this Act into Execution; and the Trustees hereby appointed shall be added to and act in conjunction with the Trustees appointed or to be appointed by virtue of the said recited Acts, or either of them; and in case any of the Trustees hereby appointed shall die, or by Writing under their respective Hands decline or refuse to act in the Execution of the Trusts hereby reposed in them, then some other fit and proper Person shall be elected a Trustee in the Place and Stead of every Trustee so dying, refusing, or declining to act as aforesaid, in the Manner provided or mentioned by the said first recited Act.

III. And be it further enacted, That, from and after the passing of this Act, no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for repairing the said Roads, or any of the Roads in the Parishes or Places in which the said Roads hereby intended to be repaired or any Part thereof do or doth lie; or any Dung, Mould, Soil, or Compost of any Kind (Chalk and Lime excepted), for the manuring of any Garden or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof; or for any Plough, Harrow, Dray, Sheep Trays or Nets, or other Implement of Husbandry; or for any Horse or other Beast or Cattle drawing or carrying the same in order for the repairing thereof, or using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shod or farried; or for any Horses, Cattle, or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes; nor shall any Toll be demanded or taken from any Inhabitant of any Parish through which any Part of the said Roads doth lie, who shall pass through any of the said Turnpikes to or from his, her, or their respective Parish Church, Chapel, or other Place of Religious Worship tolerated by Law, on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes; or from any Clergyman going to or returning from

Exempting  
certain Per-  
sons and  
Things from  
Payment of  
Tolls.

visiting



visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast carrying any Passenger, or drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Lincoln*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted and continued by the said recited Acts and this Act, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety shall be applied to the Purposes of the said Acts and of this Act, and the other Moiety to the Informer or Informers.

Statute  
Labour.

IV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, or any Division thereof, shall still remain liable thereto in the like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Lincoln*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Hay Time or Harvest), and in such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint;



appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject or 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 or effect for the Repair of the publick 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

V. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, which shall belong to any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part of the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied,

Application  
of Compensation  
when  
amounting  
to 200l.

[Loc. & Per.]



plied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three *per Centum* Consolidated or Three *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, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
when the  
Compensa-  
tion is less  
than 200l.  
and exceeds  
20l.

VI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politick, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application  
when the  
Money is less  
than 20l.

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

VIII. And



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

In case of not making out Titles, &c.

IX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments; or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the 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 Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

X. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, The Court may order reasonable entitled



Expences of  
Purchases to  
be paid by  
the Trustees.

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

How Ex-  
pences of the  
Act to be  
paid.

XI. And be it further enacted, That the Expences, Costs, and Charges which shall attend the soliciting, obtaining, and passing of this Act, and be incurred preparatory thereto, shall be paid and defrayed out of the first Monies which shall arise or be received from the Tolls to be taken upon the said Roads or otherwise by virtue of the said recited Acts and this Act, or any of them, in preference to all other Payments whatsoever.

Publick Act.

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

Term of the  
Act.

XIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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