



ANNO NONO

# GEORGII IV. REGIS.

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## *Cap. lxxviii.*

An Act for more effectually repairing the Road from *Great Grimsby Haven* to *Wold Newton Church*, and from *Nuns Farm* to the *Mill Field* in the Parish *Irby* in the County of *Lincoln*.

[23d May 1828.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from Great Grimsby Haven, at or near a Place called the Upper Sand End, to Wold Newton Church, and from Nuns Farm to the Mill Field in the Parish of Irby in the County of Lincoln*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the Road from Great Grimsby Haven, at or near a Place called the Upper Sand End, to Wold Newton Church, and from Nuns Farm to the Mill Field in the Parish of Irby in the County of Lincoln.'* And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing and amending Two Acts passed in the Fifth and Twenty-sixth Years of the Reign of His present Majesty, for repairing the Roads from Great Grimsby Haven, at or near Upper Sand End, to Wold Newton Church, and from Nuns Farm to the Mill Field in the Parish of Irby in the County of Lincoln*: And whereas an Act was passed in the Third Year of the Reign of His

5 G. 3. c. 73.  
26 G. 3. c. 137.  
47 G. 3. Sess. 2. c. 48.

[Local.] 17 H present



- 3 G. 4. c. 126. present Majesty King George the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His said present Majesty,
- 4 G. 4. c. 95. intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of
- 5 G. 4. c. 69. the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Year of the Reign of His said present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas the Trustees appointed in or by virtue of the said Three first-recited Acts have proceeded in the Execution thereof, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, the whole of which Money still remains due and owing, and the same cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Terms of the said Act are further continued; and it would be more convenient if the said recited Acts were repealed, and further, better, and more effectual Powers and Provisions granted for more effectually improving and keeping in repair the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Second Friday next after the passing of this Act the said recited Acts made in the Fifth, Twenty-sixth, and Forty-seventh Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby repealed.

Recited Acts  
of 5, 26, and  
47 G. 3. re-  
pealed.

This Act to  
be put in  
execution  
for the Re-  
pair of the  
Roads herein  
mentioned.

New Term  
and Tolls  
made liable  
to former  
Debts.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned for the Purposes of more effectually repairing and keeping in repair the present Turnpike Road leading from *Great Grimsby Haven*, at or near a Place called the *Upper Sand End*, to *Wold Newton Church*, and from *Nans Farm* to the *Mill Field* in the Parish of *Irby* in the County of *Lincoln*.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining the said Road, and now due and owing upon the Credit or on Account of the said former Acts, or secured upon or made payable out of the Tolls thereby authorized to be taken upon the said Roads, and all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected, and also of all



all such other Sum or Sums of Money as shall or may hereafter be borrowed for the Purposes of or become due on the Credit of this Act, and of all Interest to grow due for the same respectively.

IV. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and also the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of  
General  
Turnpike  
Acts to ex-  
tend to this  
Act.

V. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts hereby repealed, or any or either of them, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds, &c.  
under former  
Acts to be  
good under  
this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Books used  
under former  
Acts to be  
Evidence.

VII. And whereas divers Creditors on the said Roads may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved to the Satisfaction of the Trustees, that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts, or any of them, although they

When old  
Securities are  
lost, new ones  
may be  
executed.



they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Repayment of the Money now due on the Credit of the said Acts or Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by the Books kept by the Clerk or Treasurer to the said Trustees, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Acts hereby repealed, or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer, and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Parts of Lindsey in the said County of Lincoln, together with George Marmaduke Alington, Richard Atkinson Clerk, Stamper Anningson, Hynman Raddish Allenby, John Angerstein, John Burcham, William Brooks the elder, William Brooks the younger, Thomas Brooks, Richard Birkett, Samuel Byron Clerk, Samuel Byron, William Borman, George Babb, the Honourable and Reverend Charles Bathurst, William Brackenbury, Richard Beatniffe, John Codd, Joseph Daubeney, Thomas John Dixon, Marmaduke Dixon, James Green Dixon, Thomas Dixon Clerk, Jonathan Field, William Grantham, John Grantham, James Gifford Clerk, Joseph Gedge Clerk, Richard Goulton, George Robert Heneage, George Fieschi Heneage, Thomas Fieschi Heneage, Edward Heneage, George Marshall Holwell Clerk, Theophilus Harneis the elder, Theophilus Harneis the younger, Thomas Bennett Harneis, William Haigh, John Iles, Francis Iles, Robert Johnson, Woodthorpe Johnson, William Jarratt, John Loft, William Loft, John Marshall of Elsham, Charles Nevill, John Nicholson, William Nettleship Clerk, George Nelson, John Nelthorpe, John Nicholson of Brigg, Richard Nainby, Richard Ostler, the Honourable Charles Anderson Pelham, the Honourable George Anderson Pelham, the Honourable Dudley Anderson Pelham, John Parkinson, Doctor in Divinity, John Parkinson Clerk, William Richardson, John Richmond, Philip Skipworth of Aylesby, George Skipworth, William Skipworth, Philip Skipworth of South Kelsey, Samuel Turner of Nettleton Clerk, Charles Thorold Clerk, William Torr, John Torr, Charles Uppleby, Edward Weston, Charles Fleetwood Weston Clerk, and Thomas Walker Clerk, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, improving, and keeping in repair the said Roads, and for otherwise carrying this Act into Execution.

Additional  
Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at



at their First or any subsequent Meeting or Meetings to be holden in pursuance of this Act, to elect any Number of Persons (not exceeding Three in the whole,) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being qualified according to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

X. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Old Officers  
to continue  
until new  
ones elected.

XI. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Monies by virtue or in pursuance of the said former Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, or any of them, inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of the said Acts and of this Act.

Officers  
under the for-  
mer Acts to  
account to  
the Trustees  
of this Act.

XII. And be it further enacted, That the said Trustees shall and may and they are hereby required to meet together at some convenient House or Place in *Great Grimsby* aforesaid, or some other convenient Place in the Neighbourhood of the said Road, on the Third *Friday* after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to carry this Act into Execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places upon or near to the said Road, as the said Trustees, or the major Part of them, present at any such Meetings, shall think proper and appoint.

First Meet-  
ing of the  
Trustees.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue or to remove all or any of the Toll Gates, Turnpikes, Bars, or Chains now standing or being in, upon, or across

Power to  
continue the  
present Gates  
and erect  
others.

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the said Road, or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road, or any Part thereof, or upon the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient; any Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, and also to continue or to erect and provide, or cause to be erected and provided, a Toll House, with suitable Out-buildings or Conveniences, at or near each Toll Gate, Turnpike, Bar, or Chain, and to enclose from the Side of the said Road suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses; and from Time to Time to take down and remove or alter and discontinue such Toll Gates, Turnpikes, Bars, Chains, Toll Houses, and Gardens, or any of them, as the said Trustees shall think expedient.

Power to  
take Tolls.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be continued or appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, at each and every Toll Gate, Turnpike, and Side Gate, Bar or Chain, to be continued or erected upon, across, or on the Sides of the said Roads, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same, the Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Timber Car, Tumbril, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of One Penny Halfpenny:

For every Horse or other Beast drawing any such last-mentioned Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half, and less than Six Inches, the Sum of Two pence Halfpenny:

For every Horse or other Beast drawing any such last-mentioned Carriage, having the Fellies of the Wheels thereof of a less Breadth than Four Inches and a Half, the Sum of Three-pence:

For every Horse or other Beast drawing any Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Chaise, Omnicle, Gig, or other Carriage of a like Description, by whatsoever Name called or known, the Sum of Three-pence:

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any less Number:

Which said respective Tolls or Sums of Money shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of in such Manner as is herein-after mentioned.



XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any one of the said Turnpikes or Toll Gates, Side Bars or Side Gates, to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same,) and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates (if any) freed by the Payment of such Toll, be permitted to pass Toll-free through the same Turnpike or Toll Gate, Side Bar or Side Gate, and also through such other Turnpike or Toll Gate, Side Bar or Side Gate, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid.

Tolls to be paid but Once a Day.

XVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to take or cause to be taken more than One full Toll for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages, on the same Day, through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Road.

No more than One full Toll to be paid on the Road.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring thereof shall have taken place.

Stage Coaches, &c. to pay every Time of passing.

Post Chaises on every new Hiring.

XVIII. And be it further enacted, That the Exemptions from Toll contained in the said recited Act of the Third Year of the Reign of His present Majesty, for any Horse, Beast, or other Cattle or Carriage employed in carrying Manure, shall not extend to or be allowed for the additional Tolls imposed by the said Act, and directed to be taken for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or other such Carriage, together with the Loading thereof, shall weigh over and above the Weights in and by the said recited Act allowed to each of them respectively, but in all such Cases the said additional Tolls shall be paid, and only the original Tolls allowed; and the Keeper of every Toll Gate or Bar, where any Weighing Machine shall be erected, or any other Person appointed or to be appointed by the Trustees, or by their Lessee or Lessees, to the Care of such Weighing Engine, shall and is hereby required to weigh any Waggon, Wain, Cart, or other such Carriage employed in carrying Manure, which shall pass loaded through such Gate or Bar respectively; and if the Owner or Driver of any such Waggon, Wain, Cart, or other such Carriage, shall refuse to allow the same to be weighed, or shall resist any Gate Keeper or Toll

Manure to pay Toll for Overweight.



Application  
of Tolls and  
other Monies.

Toll Collector in weighing the same, every Owner or Driver so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

XIX. And be it further enacted, That all the Monies and other Effects, which the said Trustees, or any of them, or any Treasurer or Treasurers, or other Person or Persons on their Behalfs are or is possessed of or entitled to by virtue of the said recited Acts hereby repealed, or any of them, shall be by the said Trustees applied for the Purposes of this Act, and out of the Monies so possessed as aforesaid, and which shall arise by virtue of this Act, the Expences attending the preparing, obtaining, and passing this Act shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest and Arrear of Interest of all Monies now due and owing upon the Credit of the said recited Acts hereby repealed, or which may hereafter become due and owing upon the Credit of this Act, and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in repair the said Roads, and in erecting, repairing, and maintaining proper Turnpikes, Toll Gates, and Toll Houses, and then in reducing, paying off, and discharging the Principal Sum now due and owing on the Credit of the said Acts, or which may hereafter become due and owing under this Act, and in defraying the Expences attending the Execution thereof.

Trustees not  
to repair any  
Streets.

XX. And be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies now borrowed or hereafter to be borrowed upon the Credit thereof, in or towards the Repairs of any of the Streets in any of the Market Towns through or into which any Part of the said Roads shall lead.

Public Act.

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

Commence-  
ment and  
Continuance  
of this Act.

XXII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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