



ANNO QUADRAGESIMO SEXTO

# GEORGI III. REGIS.

\*\*\*\*\*

## Cap. 70.

An Act for more effectually repairing the Roads from the North-West Parts of the County of *Lincoln*, through *Nettleham Fields*, *Wragby Lane*, and *Baumber Fields*, to the North-East Part of the said County, and other Roads therein described, in the said County. [13th June 1806.]

**W**HEREAS an Act was passed in the Twelfth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing the Roads from the North-West Parts of the County of Lincoln, through Nettleham Fields, Wragby Lane, and Baumber Fields, to the Wolds or North-East Part of the said County*: And whereas an Act was passed in the Thirty-second Year of the Reign of His said late Majesty, intituled, *An Act to continue, amend, and make effectual an Act, passed in the Twelfth Year of the Reign of His present Majesty, intituled, 'An Act for repairing the Roads from the North-West Parts of the County of Lincoln, through Nettleham Fields, Wragby Lane, and Baumber Fields, to the Wolds or North-East Part of the said County;'* and also for repairing and widening the Roads from the Well in East Gate, in the City of Lincoln, and from the North-West End of Horncastle, and from the Guide Post at the East End of Hainton, through Barkwith, to the Roads directed to be repaired by the said Act: And whereas an Act was passed in the Twentieth Year of the Reign of His present Majesty King George the Third, to enlarge

[Loc. & Per.] 16 L large

12 G. 2. c. 104  
32 G. 2. c. 44  
20 G. 3. c. 75

large the Term and Powers of the said recited Acts: And whereas great Progress hath been made in the Repair of the Roads in the said Acts mentioned, and several Sums of Money have been borrowed for that Purpose on the Credit of the ~~Acts~~ authorized to be taken thereon, and a considerable Part of such Money still remains due and owing, which cannot be paid off, and the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued; and the Powers and Provisions of the said Acts being found in many Respects defective and insufficient, it would be more convenient to the Trustees of the said Roads, and the same might be more effectually repaired, improved, and maintained, if the said Acts were repealed, and further and other Powers granted instead thereof in one Act: And whereas the Road leading from the Guide Post at the East End of the said Town of *Hainton*, to its Junction with a certain Turnpike Road leading from the Town of *Louth* to the Town of *Market Rasen*, in the said County of *Lincoln*, in a certain Place called or known by the Name of *Elkington Cow Pasture*, and passing into, through, over, or adjoining the several Parishes, Townships, Hamlets, and Places of *Hainton*, *Brough cum Gr. sby* otherwise *Brough upon Bayne*, *Gimblethorpe*, *Gayton le Wold*, *Calcehorpe*, *Welton*, and *South Elkington*, or some of them, to the Junction aforesaid, is very much out of Repair, narrow, and incommodious, and cannot be amended, widened, improved, and kept in Repair by the ordinary Course of Law; but if the same was made Turnpike, and included in the Powers and Provisions of this Act, it would be a great Convenience and Advantage to the Neighbourhood and of publick Utility: 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 upon the Second *Thursday* next after the passing of this Act, the said herein-before recited Acts shall be and the same are hereby declared to be repealed, and that instead thereof this Act shall take effect and shall continue in force and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the Roads herein-after mentioned; (that is to say), the Road leading from the Well in East Gate, in the City of *Lincoln*, through *Lincoln Fields*, *Nettlebam Fields*, *Wragby Lane*, and *Baumber Fields*, to the North-West End of *Horncastle*, at or near the House lately in the Tenure of *Denham Atkinson*, but now of *Daniel Allenby*; and also from the Guide Post at the East End of *Hainton*, through *Hainton Inclosure*, and through the Parishes of *East Barkwith* and *West Barkwith* into the said first mentioned Road, at or near the Chapel in *Wragby*, and passing into, through, and over the several Parishes, Townships, Hamlets, and Places of *Saint Peter's* in East Gate, *Saint Nicholas* and *Saint John*, in the City of *Lincoln*, *Saint Margaret* in the Close of *Lincoln*, *Nettlebam*, *Sudbrook*, *Langworth*, *Barlings*, *Newball*, *Stainton*, *Fonaby*, *Bullington*, *Rand*, *Goltbo*, *Wragby*, *Langton*, *Halton*, *Minting*, *Baumber*, *Edlington*, *Thimbleby*, and *Horncastle*, *Hainton*, *East Barkwith*, *West Barkwith*, and *Wragby*, in the Parts of *Lindsey*, in the said County of *Lincoln*; and also for the Purpose of widening, altering, improving, and keeping in Repair the said Road leading from the said Guide Post at the East End of the Town of *Hainton*, in the said Parts and County, to its Junction with a certain Turnpike Road leading from the said Town of *Louth* to

Said Acts repealed.

the said Town of *Market Rasen*, in a certain Place called or known by the Name of *Elkington Cow Pasture*; and that this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the said Roads, shall be and are hereby declared to be charged with and made subject and liable to the Payment of all Money now due and owing upon the Credit or on account of the said Acts hereby repealed as aforesaid, or which shall hereafter be borrowed upon the Credit of this Act, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if the whole of such Monies had been borrowed and become due on the Credit of this Act and the Tolls hereby granted.

II. And be it further enacted, That the Honourable *Lewis Dymoke*, Trustees,  
 the Honourable *George Monson*, the Honourable and Reverend *Thomas Monson* Clerk, the Honourable *Charles Anderson Pelham*, the Honourable *John Cust*, the Honourable *George Pelham*, the Honourable *Charles Herbert Pierrepont*, the Right Honourable Sir *Joseph Banks* Baronet, Knight of the Bath, Sir *Henry Nelthorpe* Baronet, Sir *John Thorold* Baronet, Sir *Charles Miles Lambert Monck* Baronet, Sir *John Ingilby* Baronet, Sir *Robert Ainslie* Baronet, Sir *Gonville Bromhead* Baronet, *Evelyn Anderson*, *John Julius Angerstein*, *John Angerstein*, *Robert Sharpe Ainslie*, *Marmaduke Alington* Clerk, *Joseph Annington*, *Hinman Allenby*, *William Allison*, *William Allison* the younger, *Joseph Ashton*, *Robert Astey*, *Ayscoghe Boucherett*, *Albemarle Bertie*, *John Bromhead*, *Edward Bromhead* Clerk, *Hezekiah Brown*, *Arthur Bonson* Clerk, *George Bonson* Clerk, *Thomas Bonson*, *William Bentley*, *Thomas Bartkolomew*, *John Thomas Bell*, *Christopher Bell*, *Robert Burton*, *John Booth*, *John Bowman*, *Joseph Bilcliffe*, *John James Birch*, *Henry Bassett* Clerk, *Richard Burden*, *Charles Chaplin*, *George Chaplin*, *Francis Chaplin*, *William Chaplin* Clerk, *John Cracroft*, *Robert Cracroft*, *Thomas Cracroft*, *Barnard Cracroft* Clerk, *William Corbert*, *Thomas Coltman*, *Charles Marshall Clarke* Doctor of Physick, *Richard Codd*, *Robert Maple Clough*, *Ambrose Cookson* Doctor of Physick, *Rowland Curtois* Clerk, *Brett Chester*, *James Connington*, *Joseph Carter* Clerk, *John Carter* Clerk, *Richard Clark*, *Henry Dalton*, *John Disney* Doctor in Divinity, *John Dymoke* Clerk, *Richard Dixon* Clerk, *John Dudding* of Panton, *John Dudding* of Saxby, *Joseph Deil*, One of the Senior Aldermen of the City of Lincoln, *Richard Ellison*, *Henry Ellison*, *John Ellison*, *John Emeris* Clerk, *John Emeris* the younger, Clerk, *Adam Eve*, *John Eve*, *William Eve*, *George Edwards*, *Richard Elmberit*, *Jonathan Field*, *Jonathan Field* the younger, *Francis Farr*, *Edward Farr*, *Michael Farr*, *Thomas Farr*, *Jephtha Foster*, *John Fardell*, *Anthony Foyer*, *Pawcett* Doctor of Physick, *Robert Fowler* Clerk, *Grantham Gace*, *Isle Grant*, *Stephen Gray*, *John Graves*, *William Greetham*, *Samuel Goe*, *John Harrison*, *George Robert Heneage*, *Thomas Fieschi Heneage*, *Edward Heneage*, *George Harrison*, *Charles Holland* Clerk, *Thomas Holland*, *Thomas Jackson Holme* Clerk, *William Hutton*, *Henry Hutton*, *George Hutton* Clerk, *Theophilus Harneis*, *Edward Harrison* Doctor of Physick, *John Hale* Clerk, *Richard Heald*, *William Halifax*, *William Ingleby*, *Caley Ingleworth* Clerk, *Wooley Jolland* Clerk, *Woodthorpe Johnson*, *Thomas Julian*, *George Kent* One of the Senior Aldermen of the City of Lincoln, *Alexander Knight*, *William King*, *John Loft*, *William Loft*, *Matthew Bancroft Lister*, *George Lister*, *Joseph Livesey*, *George Langton*, *William Merrill*, *William Merrill* the younger, *John Mounsey* the younger, Clerk, *William Mounsey* Clerk, *William Marshall*, *David Marshall*, *Charles Mainwaring*,

*Mainwaring, Christopher Mason, Christopher Mason the younger, John Mason, John Maddison, George Maddison Clerk, Charles Burrell Massingberd, Gabriel Neve, Henry Neve, Thomas Orme Doctor in Divinity, Francis Otter, Paul Pell, John Pownell, William Perowne, John Phillips, John Prettyman Doctor in Divinity, Samuel Pyemont Clerk, Samuel Carter Petener, Thomas Pilley, Wharfe Preston, John Penrose Clerk, John Parkinson, John Parkinson Doctor in Divinity, Robert Paddison, William Picking, John Robinson, John Robinson the younger, Clerk, Joseph Rinder, John Straw, the Mayor of the City of Lincoln for the Time being, John Simpson, Humphrey Sibthorpe, Coningsby Waldo Sibthorpe, George Shuttleworth, John Sexty, Philip Skipworth, William Smith, Charles Souby, Edward Souby, George Short, Samuel Suger, Edmund Sharpe, Henry Swan, Francis Swan Clerk, Richard Smith, Charles Sutton, Robert Smith, George Searle, Samuel Smith, Edmund Turnor, George Turnor Clerk, John Turnor, Charles Turnor Clerk, Samuel Turnor, George Tennyson, George Clayton Tennyson Clerk, Charles Tennyson, Reuben Terrewest, Thomas Turnell, William Thorpes, Richard Taylor, Robert Vyner, Lomax Walsh Doctor in Divinity, Willoughby Wood, William Wilson, John Wilson, John Wood, John Walesby, Elmit Walesby the younger, John Saul Walesby, Francis Walesby, George Wilcockson, Joseph Wilcockson, William Walls, Charles White, the younger, William Wright, James Walier Clerk, William Wells, Dymoke Wells, James Young, Edward Young, and John Young, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for amending, widening, altering, improving, and keeping in repair the several Roads herein-before mentioned and described, and for otherwise putting this Act in Execution.*

For appoint-  
ing new  
Trustees.

III. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect One other Person to be a Trustee in the room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in and upon the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Qualifica-  
tion of  
Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Land, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of Eighty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate to the Amount of Eight hundred Pounds, nor (except in administering the Oath following) before he (not being such Heir Apparent) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are  
hereby

hereby authorized and empowered to administer the same; (that is to say),

“ I *A. B.* do swear, That I truly and *bona fide* am seised of in my own Oath Right, or in the Right of my Wife [*as the Case may be*], and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity, of the clear yearly Value of Forty Pounds, or possessed of a Personal Estate of the Amount of Eight hundred Pounds; and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee, by virtue of an Act, passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled, [*here insert the Title of this Act*], according to the best of my Skill and Judgement, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.”

And if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act (except in administering such Oath as aforesaid), or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every such Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted, as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act, nor in any particular Case wherein he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee be capable of holding any Place of Profit under this Act; and all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act notwithstanding their being Trustees (except only in such Cases where they shall be personally interested).

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, either in the Names of the Trustees who may be Parties to any Deed or Instrument in Writing, upon which any Action shall or may be brought, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in their Names or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, or Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent

Trustees,  
Clerk, or  
Treasurer  
to be reim-  
bursed their  
Expences.

sent of the said Trustees or any Seven or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk or Treasurer, shall be deemed to be Plaintiff or Defendant [*as the Case may be*] in every such Action: Provided always, that such Trustees or Clerk, or Treasurer in whose Names or Name any such 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 they or he shall pay, bear, expend, or be put unto, or become chargeable with by reason of their or his being so made Plaintiffs or Defendants, Plaintiff or Defendant as aforesaid.

First Meet-  
ing of the  
Trustees.

VI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, at the *White Lion Inn*, in *Wragby* aforesaid, and proceed to the Execution of this Act, and shall then adjourn themselves, and afterwards meet yearly on the Second *Thursday* in the Month of *July* at the Place aforesaid, or at any other Place in *Wragby* aforesaid, as the said Trustees or any Seven or more of them shall think proper or convenient for putting this Act in Execution, which Meeting shall be deemed a General Meeting, and at which yearly Meeting all Accounts relating to the said Trust shall be examined, settled, and adjusted, and the said Trustees or any Seven or more of them shall at any such Meeting adjourn themselves to some convenient Place or Places near the said Roads respectively, and may make such further Adjournments from Time to Time for putting this Act in Execution as they shall think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees for the Purposes aforesaid, then and in such case the Clerk to such Trustees, by Notice in Writing to be affixed at or on all the Turnpikes then erected upon the said Roads, at least Ten Days before the next Meeting, shall appoint such Trustees to meet at the House where the last Meeting of such Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of such Trustees was appointed to have been held; and that the said Trustees at all their Meetings shall defray their own Charges and Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination of the said Trustees shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than the respective Number herein mentioned (as the Case may be), nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk to the said Trustees, and for want of such Clerk, to the Treasurer or Treasurers to the said Trustees, to be by him or them affixed in Manner herein-before mentioned, at least Ten Days previous to any such Meeting.

Trustees to  
pay their  
own Ex-  
pences, &c.  
and to make  
Orders, &c.

VII. And be it further enacted, That if after any Adjournment of the said Trustees it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in that case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time being not less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Meetings on  
Emergencies.

VIII. And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors of the Tolls by this granted, and such other Officers respectively as they shall think proper; and that the said Trustees, or any Seven or more of them, shall and may at a Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the respective Turnpikes which shall be then erected on the said Roads, by any Writing or Writings under their respective Hands, from Time to Time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers, as they shall see Occasion, and appoint new ones in cases of Death or such Removal; and the said Tolls shall be paid after the Rates herein mentioned to such Persons as shall be so appointed to receive the same; and the said Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall at the said Annual Meeting to be held in the Month of *July* in every Year, give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how, to whom, and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees or any Seven or more of them, or to such Person or Persons, or to such Uses and Purposes as they or any Seven or more of them shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath (which Oath any Two of the said Trustees are hereby empowered to administer), and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then and in either of the said Cases it shall be lawful for any Two Justices of the Peace for the Division, Parts, City, or Place where such Officer or other Person shall be or reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward), and if any such Person shall be thereof convicted, such Justices shall commit the Party to the common Gaol of the Division, Parts, City, or Place where such Person shall be or reside, there to remain, with-

Trustees to  
appoint  
Officers,

and to re-  
move them.

Officers to  
account  
yearly on  
Oath.

out

out Bail or Mainprize, until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the Division, Parts, City, or Place where such Person or Persons shall live or reside, to make Enquiry touching such Neglect or Refusal in a summary way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Party or Parties, after the Money remaining due and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices or any Two other Justices of the Peace for such Division, Parts, City, or Place, shall commit such Person or Persons to the Common Gaol of the Division, Parts, City, or Place where such Person shall live or reside, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Seven or more of them, or to such Person or Persons as they or any Seven or more of them shall appoint to receive the same, which Composition the said Trustees or any Seven or more of them, at any Meeting, are hereby empowered to make: Provided always, that no Person shall be committed for want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Old Officers  
to continue  
until new  
ones are ap-  
pointed.

IX. And be it enacted, That each and every Treasurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under or by virtue of the said recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and each and every such Treasurer, Clerk, Collector, and other Officer and Officers shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he and they had been nominated and appointed by virtue of this Act.

Trustees  
may appoint  
temporary  
Collectors.

X. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaving, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged, and to continue until the 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; and that if any Collector or Receiver of the said Tolls who shall be discharged from the said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector

or



or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person shall refuse or neglect to deliver up the Possession of any Toll House or Building now erected or set up, or to be erected or set up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Five or more of the said Trustees or their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the Division, Parts, City, or Place in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the same Division, Parts, City, or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person and Persons who shall be found therein, and the Occupier and Occupiers thereof, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or their Clerk or their new appointed Officer into the Possession thereof with the Appurtenances.

XI. And be it further enacted, That out of the Monies arising by the Tolls to be collected at each respective Turnpike or Toll Gate, such Allowances shall be made to the Collector or Collectors of the Tolls at such respective Turnpikes or Toll Gates as the said Trustees or any Seven or more of them shall think proper, and that out of the Monies arising by the Tolls to be collected at all the said Turnpikes or Toll Gates, such Allowances and Compensations shall be made to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees, or any Seven or more of them shall seem reasonable.

Trustees  
may allow  
Salaries.

XII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby required to take such Security from their Clerks, Treasurers, Collectors of the Tolls, Surveyors, and other Officers, for the due Execution of their respective Offices as to such Trustees or any Seven or more of them shall seem expedient.

Clerks, &c.  
to give Se-  
curity.

XIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect and set up, or cause to be erected and set up, so many Turnpike or Turnpikes, Toll Gate or Toll Gates in, upon, across, or on the Side or Sides of any Part of the said several Roads, or of any Lane or Way leading into the same respectively as they may judge expedient, but subject to the proviso herein-after next mentioned, and shall and may also erect and provide, or cause to be erected and provided, a Toll House, with suitable Out-buildings, Weighing Engines, and Conveniencies, at or near each Turnpike or Toll Gate, and may also fence in and inclose from the said Roads convenient Garden Spots to the said Toll Houses, as they the said Trustees or any Seven or more of them shall judge proper, and may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings and Fences from Time to Time to be taken down, removed, and set up again, or altered, as they the said Trustees or any Seven or more of them shall think proper.

Power to  
erect Turn-  
pikes and  
Toll Gates;  
&c.

Where Gates  
shall not be  
erected.

XIV. Provided nevertheless, and be it further enacted, That no Turnpike or Toll Gate shall be erected by virtue of this Act across the said Roads between the Towns of *Edlington* and *Horncastle*, or between the Chapel in the Town of *Wragby* and *Claybridge*, in the Lordship of *Bullington*, or between the Guide Post at the East End of the Town of *Hainton*, and the East End of a certain Inn in the said Parish of *Hainton* called the *Heneage Arms*, or between the West End of the said Parish of *Brough cum Girsby* otherwise *Brough upon Bayne*, and the Junction of the said Roads in *Elkington* Cow Pasture.

Vesting  
Turnpikes  
and Toll  
Houses in the  
Trustees.

XV. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings, Weighing Engines, and Fences erected or provided; or hereafter to be erected or provided in and upon, or on the Sides of the said Roads, and of the Materials for building the same and for repairing the said Roads, shall be vested in the said Trustees, and they or any Seven or more of them are hereby empowered to bring Actions in the Name or Names of any One or more of them, or in the Name or Names of their Clerk (or Clerks, Treasurer or Treasurers, or to prefer or cause to be preferred Bills of Indictment against any Person or Persons who shall disturb them in the Possession thereof.

Power to  
take Tolls,  
&c.

XVI. And be it further enacted, That the respective Tolls following shall and may be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Cart, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Toll Gate, Turnpikes or Toll Gates already erected, or which shall or may be hereafter erected by virtue of this Act; (that is to say),

Tolls:

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Sociable, Barouch, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whisky, Gig, Chair, or Taxed Cart, the Sum of Three-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Three-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, the Sum of Four-pence and One Halfpenny:

For every Horse, Mare, Gelding, Mule, or Ass, or other Beast of Burthen, not drawing, the Sum of One Penny and One Halfpenny:

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of

of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons (to be appointed as aforesaid to collect such Tolls) to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements, and if such Tolls and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, or Things so distrained, returning the Overplus (if any), on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and that all the Tolls to be collected or levied by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-after mentioned.

Tolls vested  
in the  
Trustees.

XVII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining, to retain such Distress, or the Money arising from the Sale thereof [*as the Case may happen*] until the Amount of the Tolls due, or the Charges of the Distress and Sale, and of keeping the Distress [*as the Case may happen*] be ascertained by some Justice of the Peace for the said Division, Parts, City, or Place, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose, upon the said Justice, all which said Sums as shall be so determined or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or any Part thereof.

For settling  
Disputes  
concerning  
the Tolls.

XVIII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate erected or to be erected upon the said Roads shall be subject to pay any Toll for returning through such Turnpike the same Day before Twelve of the Clock at Night, with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free, on delivering a Note or Ticket, to the Collector of the Tolls at such respective Turnpikes or Toll Gates denoting the Payment of such Toll (which Note or Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls).

Tolls to be  
taken but  
once a Day.

XIX. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Roads or any of them, or shall travel thereon for the Space of One hundred Yards only, unless such crossing shall be with an Intent to avoid the Payment of Toll.

No Toll to  
be taken for  
crossing the  
Roads.

XX. 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 the making or repairing the said Roads or  
any

Exemptions  
from Tolls.

any Works thereon, or any of the Roads in the Parishes, Townships, Hamlets, or Places in which any Part of such Roads do lie; or any Hay, Straw, Corn in the Straw, or other Produce of Lands not sold and disposed of, and to be laid up, placed or consumed in the Houses, Out-houses, Barns, Yards, or Lands, of or belonging to the Owners thereof; or Manure and Lime, and other Articles used for the manuring and Improvement of Lands, and not for Sale; nor when returning unladen, after carrying or conveying any such Materials or Things; nor shall any Toll be demanded or taken for any Horse, Ox, or other Beast drawing or not drawing, and employed solely in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry, or drawing any Bricks or Tiles to be used in the Parish in which the same are made; nor for any Horses, Mares, Geldings, Mules or other Cattle, when going to or returning from being shod or farried, or from Work in cultivating the Lands or Grounds within the Parishes, Townships, Hamlets, or Places through which the said Roads lead, or going to or returning from Pasture or Watering Places, provided that such last-mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water and Pasture within the same Parish or Place, or from one Parish or Place to the next adjoining Parish or Place; nor shall any of the Tolls hereby granted be demanded or taken for any Horse or other Beast when carrying or conveying any Person or Persons residing in the same Parishes, Townships, Hamlets, or Places through which any of the said Roads do pass or lead, 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 or Toll Gates to or from Church, Chapel, or 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, Hamlets, or Places; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; 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 Postmaster General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon 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; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise, Inspection, or Review, 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; nor for any Horses, Carts, or Carriages employed only in carrying or conveying Vagrants sent with legal Passes; nor for any Horse, Mare, Gelding, or Mule drawing or not drawing, carrying or conveying any Elector or Electors to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said 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 in this Act contained, not being entitled to the same, every Person so offending and being lawfully convicted

convicted thereof shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXI. 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 (except the Owner or Occupier thereof) within the Distance of One Mile from any Turnpike or Toll Gate now erected, or which shall be erected by virtue of this Act, the same not being a publick Road, or if any such 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, or 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 Note or Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Note or Ticket, or shall forcibly pass through any such Turnpike or Toll Gate as aforesaid with any Horse, Cattle, or Beast, or shall at any Time or Times take off any Horse, Cattle, or Beast from any Carriage, with an Intent to avoid Payment of the said Tolls, whereby the Payment thereof or any Part 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 Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part 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, 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 shall be applied for the Purposes of this Act, in Manner herein-after directed.

To prevent evading the Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, from Time to Time 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, Hamlets, or Places, to or through which the said Roads lead, for the passing of their Saddle Horses only through all or any of such Turnpikes or Toll Gates as aforesaid.

Power to compound for the Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates erected across the said Roads, and to be inserted in some One Newspaper circulating 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 be reasonably obtained 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 or any Seven or more of them 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

Power to lease the Tolls.

Covenants contained in such Lease or Leases as the said Trustees or any Seven or more of them shall think fit.

Bar Keepers  
not incom-  
petent Wit-  
nesses.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall happen to arise, touching or in anywise relating to the said Tolls or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees shall be and they and every of them are and is hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of their or his being appointed to collect the said Tolls, or acting under the Authority of the said Trustees as aforesaid.

Penalty on  
Persons dis-  
posing of  
Tickets to  
avoid paying  
Toll.

XXV. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person, in order to evade the Payment of the said Tolls, every Person so offering or disposing of such Note or Ticket, and the Person receiving and making use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings, whereof One Moiety shall go to the Informer and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein directed to be applied.

Trustees may  
alter and  
lessen the  
Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees or any Seven or more of them shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein-before mentioned, and to order and direct such Tolls so lessened, reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been lent and be then due upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made unless Thirty Days Notice at least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which shall be then erected upon the said Roads, expressing the Intention of making such Reduction, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Roads do pass.

Surveyors  
may make  
Ditches,  
Drains, &c.

XXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Seven or more of them), to make Ditches and Drains through any Grounds lying contiguous to the said Roads, in order to conduct the Water from and off the same and also to widen any Part of the said Roads by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Forty Feet in Width, and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, not being the Grounds whereon  
any

any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart for the Growth of Trees previous to the First Day of *January* One thousand eight hundred and six, to be made use of as a publick Highway whilst the High Road is repairing or widening; and also by Order of any Seven or more of the said Trustees to build, erect, and repair or keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch, or Drain thereon or contiguous thereto, making such Recompense to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Seven or more of them; and in case of any Difference concerning such Damages the Justices of the Peace for the Division, Parts, City, or Place where such Difference shall arise, at the General Quarter Sessions of the Peace to be held in and for the same Division, Parts, City, or Place next after such Difference shall arise, (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode) shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

XXVIII. And be it further enacted, That the said Surveyor or Surveyors and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees or any Seven or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or other Materials proper for the making and repairing the said Roads, in, upon, out of, or from any Waste, Grounds or Commons, Rivers or Brooks, in any Parish, Township, Hamlet, or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Township, Hamlet, or Place, to be used in making and repairing the said Roads, without paying any Thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons making Satisfaction as herein-after mentioned, such Surveyor or other Persons filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks contiguous to that Part of the said Roads therewith to be made and repaired, or so near or so convenient as the same can be found and gotten in any private Lands or Grounds contiguous to the same Roads, then and in such Case the said Surveyor or Surveyors or other Person or Persons as aforesaid may, by Order of the said Trustees, or any Seven or more of them, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, Lawn, or Avenue to any House, or any inclosed Ground planted or set apart for the Growth of Trees), paying or tendering

Surveyors  
to get Gravel,  
&c.

tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, and Materials, and for carrying the same, or the Materials gotten in any Common or Waste Ground, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Seven or more of them shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid; and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the Division, Parts, City, or Place wherein such Lands or Grounds shall be, at their General Quarter Sessions of the Peace, to be held in and for the same Division, Parts, City, or Place next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final, binding, and conclusive to all Parties.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupier.

XXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, or any other Statute now in being, to take and carry away Materials for the repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or any Five or more of them, or Two Justices of the Peace acting for the Division, Parts, City, or Place where such Lands are situated, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and in case such Occupier shall attend pursuant to such Notice the said Trustees or any Five or more of them, or such Justices, shall, if they think meet, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or any Five or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyors.

XXX. And be it further enacted, That if any Person whomsoever shall take or carry away Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued Working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale) every



every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and to cut down, lop or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House), and to take and carry away the same in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after removing any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Surveyors  
may remove  
Annoyances

XXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person or Persons by them or any of them, or by the said Trustees or any Five or more of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalties on  
obstructing  
Surveyors

XXXIII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting, or any Nine or more Trustees at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen or alter the Course or Path of any Part or Parts of the several and respective Roads hereby directed to be amended, widened, improved and kept in Repair for the Accommodation of Passengers through any private Lands, Grounds, or Hereditaments, under such Terms, Satisfactions, and Exceptions as are herein-after mentioned; and also that it shall be lawful for the said Trustees or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments,

Powers to al-  
ter any Part  
of the Roads

[Loc. & Per.]

16 P

through

through which or whereupon the said Roads are intended to pass, and to take out and mark the same in such Manner as the said Trustees, or such Majority as aforesaid shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damages they may thereby sustain.

Thirty Days  
Notice to be  
given of di-  
verting Roads.

XXXIV. Provided always, and be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Meeting or Meetings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands, their Intention or Desire of diverting, turning, or altering any Part or Parts of the said Roads, that then Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some One Newspaper circulated within the said County of *Lincoln*, of the Time, Place, and Purpose of such Meeting.

Trustees  
may pur-  
chase Lands  
and other  
Heredita-  
ments want-  
ed for the  
Purposes of  
this Act.

XXXV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees or any Seven or more of them, to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damages such Owners or Persons may sustain by the making or widening any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act, or out of the Monies remaining unapplied, raised under or by virtue of the Acts hereby repealed; and it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

If Parties do  
not agree, or  
the Owners  
cannot make  
a Title, the  
Value of the  
Premises to  
be settled by  
a Jury.

XXXVI. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in  
and

and added to any of the said Roads, and through which any of the said Roads shall be intended to be turned 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 such Case the said Trustee or any Seven or more of them shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Lincoln*, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompense and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Person or Persons as aforesaid, for or on account of the turning such Roads through such Lands or Grounds; and in order thereto the said Trustees or any Seven or more of them are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises, which Oath any Two or more of the said Trustees are hereby empowered to administer; and they the said Trustees or any Seven or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid to be paid to the said Owners or Proprietors, or the Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury, which Verdict or Inquisition and Judgement, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees or any Seven or more of them are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the County, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

XXXVII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees or any Seven or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable

Juries may  
be challenged,  
and Sheriffs  
fined for  
Default.

sonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn, or being sworn, shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect 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, refusing or neglecting to appear, or refusing to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

Money allowed for Lands, &c. how to be charged and tendered.

XXXVIII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the Tolls by this Act granted, or on the Monies to be borrowed upon the Credit of such Tolls, or upon the Monies raised and remaining unapplied under or by virtue of the Acts her by repealed, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents, that upon Payment or Tender thereof, to such Persons or their Agents, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the said Trustees, for the Use of such Persons; and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to enter into Possession of and to lay such Land or Ground into the said Roads; and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees or any Seven or more of them shall think fit; and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby directed to be made, repaired, and widened, are by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby granted are directed to be applied; and all Deeds of Conveyances executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the said Parts of *Lindsey*, shall be good and effectual in the Law, to all Intents and Purposes; but this Act; nor any Thing herein contained, shall not extend to give Power to the said Trustees, or any Seven or more of them, to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House or Ground planted and set apart for the Growth of Trees, without  
the

the Consent of the Owners and Occupiers thereof respectively in Writing first had obtained; And be it further enacted; That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompense 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 or any Seven or more of them, before the summoning and returning of the Jury; as a Recompense or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid; that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference; shall be borne and paid by the said Trustees or any Seven or more of them; out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Seven or more of them before the summoning and returning of the said Jury; as a Recompense and Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that 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 and Persons with whom the said Trustees, or any Seven or more of them, shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the Parts, City, or Place in whose Jurisdiction such Lands do lie, (such Justice, not being interested in the Matter in question, is hereby authorized and required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment 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 herein-after provided for Recovery of Penalties and Forfeitures.

How the Expences of Jury shall be paid.

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased or taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein-mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds; with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the

Application of Compensation where exceeding pool.

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 authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, and 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 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, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement was made.

Application where the Compensation does not exceed 200l. nor less than 20l.

XLI. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of 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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XLII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same

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, as the said Trustees, or any Seven or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Seven or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Seven or more of them, to order the said Sum or Sums of Money so awarded 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 or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court; 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 said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or to order Distribution 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 Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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.

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands 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 or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands 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,

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

subject to the Order of the Court of Chancery.

Where any Question shall arise touching such Money, the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereto.

and

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 or Hereditaments, or to some Estate or Interest therein.

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

XLV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands 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, or any Seven or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

On Payment of Money Conveyances to be executed.

XLVI. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands or Grounds, or any Part thereof; the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees, or any Seven or more of them; or to such Person or Persons as they shall appoint, of the said Premises, for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances shall contain such usual and reasonable Covenants as shall on Behalf of the said Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum or Sums of Money so agreed or adjudged to be paid as aforesaid being ready to be paid to him, her, or them, on making such Title, and tendered for that Purpose; or in case any Person or Persons entitled to the Premises for which such Sum or Sums of Money shall be so agreed, awarded, or adjudged as aforesaid, cannot be found; or in case by reason of Disputes depending in any Court or Courts of Law or Equity, or for Defect of Evidence, it shall not appear to the said Trustees, or any Seven or more of them, what Person or Persons is or are entitled to the Premises in question, that then and in every such Case such Money shall with all convenient Speed be paid into the Bank of *England* in Manner herein-before mentioned; and when and so soon as such Sum or Sums of Money shall be so invested in the Publick Funds as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever in Law and Equity, on all and every Person or Persons who shall be entitled to such Money, of, in, to, from and out of the same Premises, or



any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either at Law or Equity, to all Intents and Purposes, as fully and effectually, as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from, and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

XLVII. And whereas by reason of the Purchases which the said Trustees, or any Seven or more of them, are hereby empowered to make, 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, or any Seven or more of them, 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.

Power to sell  
old Roads  
and overplus  
Lands.

XLVIII. Provided always, and be it further enacted, That the said Trustees, before they shall dispose of the said Piece or Pieces of Ground, shall first offer to re-sell 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 of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the Division, Parts, City, or Place 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 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 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 re-purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Seven or more of them, in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees, or any Seven or more of them, *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 for any Mis-application or Non-application of such Money.

First Offer to  
be made to  
the Persons  
from whom  
the same  
shall be pur-  
chased.

XLIX. And be it further enacted, That the said Trustees or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the

[*Loc. & Per.*]

16 R

Clerk

Trustees  
may borrow  
Money upon  
Mortgage  
of the Tolls.

Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpike or Toll Gates then erected on the said Roads, and inserted in some One publick Newspaper circulating in the Neighbourhood through which the said Roads pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses already erected or to be erected, with the Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money now due and owing upon the Credit or on account of the said Acts hereby repealed as aforesaid, or which shall be borrowed by the said Trustees or any Seven or more of them upon the Credit of this Act, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, as is or are entitled to such Sum or Sums of Money as is or are now due as aforesaid, or as shall advance or lend any Sum or Sums of Money to such Trustees under or by virtue of this Act, to secure the Re-payment thereof respectively, with such legal Interest as the said Trustees, or any Seven or more of them, shall think proper; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other more applicable Form, as the Trustees making the same shall think proper; (*videlicet*),

Form of  
Mortgage.

BY virtue and in pursuance of an Act passed in the Forty-sixth Year of the Reign of His Majesty King George the Third, intituled, [*here insert the Title of this Act*] in Consideration of the Sum of  
to A. B. the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by C. D. of  
We, whose Names are hereunto subscribed and Seals affixed, being of the said Trustees, do grant and assign unto the said C. D. his [*or her*] Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Roads in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon, for the Term of the said Act, to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said C. D. his [*or her*] Executors, Administrators, and Assigns, for the Residue and Remainder now to come of Years, for which the said Tolls are granted by the said Act, subject to the Proviso following; (that is to say), Provided always, That if the said Sum of shall be repaid to the said C. D. his [*or her*] Executors, Administrators, or Assigns, together with Interest for the same after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else shall remain in full force. In Witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred

Copies to be  
entered.

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but nothing in this Act contained shall extend or be construed

strued to extend to charge or subject the said Trustees or any of them, or the Persons appointed to receive the said Money or any Part thereof, to any Payment of the same, by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act or any of them; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before one credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever in the Form or to the Effect following; (that is to say);

Trustees not liable in their private Capacities.

Mortgages may be assigned.

‘ I Do hereby transfer and assign this Mortgage [*or, a certain Mortgage, et cetera, as the Case may be*] with all my Right and Interest to the Principal Money thereby secured, and all Interest now due on the same, unto Executors, Administrators, and Assigns. In Witness whereof I have hereunto put my Hand and Seal, the Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Form of Transfer.

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Sixty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties and Sums of Money therein mentioned to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, and which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

L. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons, for any Sum or Sums of Money advanced and which is now due or owing upon the Credit or on account of the said Acts hereby repealed, or to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments are to be or shall be made as aforesaid shall be in Proportion to the Sum or Sums of Money due or to be advanced as aforesaid in equal Degree one with another.

No Priority of Mortgage.

LI. And

Application  
of the  
Money.

LI. And be it further enacted, That all the Monies collected and received under or by virtue of the Acts hereby repealed, and which shall or may be collected and received by virtue thereof previous to this Act taking Effect, and which shall remain unapplied, shall be applied to and for the Purposes following, that is to say, in Payment of the Costs, Charges, and Expences of obtaining and passing this Act, in Payment of the Interest now due and accruing upon the several Mortgages or Securities made in pursuance of the Acts hereby repealed until this Act shall take Effect, and in widening and more effectually repairing the Roads mentioned in the Acts hereby repealed, all which said Monies are vested in the Trustees for executing this Act for the Purposes aforesaid; and all Monies which shall arise and be produced 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 hereof, and not herein otherwise appropriated or directed to be applied, shall be vested in the Trustees for executing this Act for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes following, that is to say, in paying the Interest accruing upon the several 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 defraying the Expences of erecting and providing Turnpikes, Toll-Houses, Weighing Engines, and other Buildings, and of making, forming, repairing, widening, and altering the said Roads, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Roads, and of executing the several other Powers and Provisions of this Act, and in reducing, paying off, and discharging the several principal Sums for the Time being due on such Mortgages or Securities as aforesaid.

Persons  
liable to the  
Repair of the  
Roads, &c.  
to continue  
so.

LII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act (subject nevertheless to the Regulations herein-after expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable or liable to or towards repairing or amending of any Highways in the several Parishes, Townships, Hamlets, or Places through which the said Roads shall pass, shall be liable to the Repair of the said Roads and to perform their respective Works thereon in such and the like Manner in every respect as they are liable to the Repair of any other Common Highway within such Parish, Township, Hamlet, or Place respectively.

Parishes not  
liable to the  
Repairs of  
Roads shall  
not be made  
liable by this  
Act.

LIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to make such of the Owners or Occupiers of the said respective Parishes, Townships, Hamlets, and Places of *Hainton, Brough cum Girsby* otherwise *Brough upon Bayne, Grimblethorpe, Gayton le Wold, Calcethorpe, Welton, and South Elkington*, or any of them, or any Part of the same respectively, subject or liable to the Repairs, Maintenance, or Support of the said Road leading from the Guide Post at the East End of the Town of *Hainton* to its Junction with  
the

the Turnpike Road leading from the Town of *Louth* to the Town of *Market Rasen* aforesaid, as were or was not subject or liable to such Repairs, Maintenance, and Support immediately before the passing of this Act, any Thing herein contained to the contrary thereof in anywise notwithstanding.

LIV. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Roads by the Inhabitants of the several Parishes, Townships, Hamlets, or Places through which the same pass; be it further enacted, That it shall be lawful to and for any Two of His Majesty's Justices of the Peace acting in and for the said Parts of *Lindsey*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads hereby directed to be amended, improved, and kept in Repair, and for what Space of Time, and in what Manner the same shall be done upon the said Roads by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places in or through which the said Roads shall pass.

How the Statute Work shall be apportioned.

LV. And be it further enacted, That the respective Surveyors of the Highways in all the Parishes, Townships, Hamlets, or Places through which the said Roads pass, shall yearly and every Year within Ten Days after Demand made to them respectively in Writing by the Surveyor, Clerk, or Treasurer of the said Roads, in pursuance of an Order under the Hands of Two or more of His Majesty's Justices of the Peace for the said Parts, give and deliver to the Person making such Demand a true and exact List or Account in Writing under their respective Hands of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, or Places who are by Law chargeable towards repairing the said Roads in such Parishes, Townships, Hamlets, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and such respective Parish or Township Surveyor or Surveyors, shall (within Four Days after Notice to them given by the said Turnpike Surveyor of the Time or Times when and where and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works) 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 required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay any Sum not exceeding Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Roads, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Day's Works upon the said Roads, he, she, or they so neglecting or refusing shall be subject and liable to such Pains, Penalties, or Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force and effect for the Repair of the Publick Highways; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart

For regulating the Performance thereof.

[*Loc. & Per.*]

16 S

had

had not been sent to work on the said Roads, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the next succeeding Year.

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

LVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any of their Meetings by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways, of all, every, or any of the Parishes, Townships, Hamlets, or Places the Inhabitants whereof are liable to perform Statute Work on the said Roads, to appear before the said Trustees at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by Way of Composition for Statute Work in their several and respective Parishes, Townships, Hamlets, or Places (which Account shall be verified upon Oath if the said Trustees shall require the same); and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid; or if required to verify the same upon Oath, or to pay to the Treasurer of the said Roads, or as the said Trustees shall direct, within Five Days from the Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors or any of them shall have received, or without their wilful Neglect or Default might have received, that then in all or any of the said Cases the Person or Persons so offending shall for every separate Offence forfeit and pay a Sum not exceeding Twenty Shillings.

Trustees may compound for Statute Work.

LVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Parishes, Townships, Hamlets, or Places, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, or Places, by and with the consent of the Majority of the Inhabitants of such Parishes, Townships, Hamlets, or Places first had at any Vestry or other Publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For recovering Composition Monies.

LVIII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll-Gate, 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 said Parts of *Lindsey*, by Writing under their respective Hands and

and Seals, to empower the Person or Persons authorized 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 the said Trustees or such Justice or Justices 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) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale to the Owner or Owners thereof.

LIX. 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, 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.

How Surveyors of Highways are to reimburse, and Composition Money paid by them.

LX. And be it further enacted, That the said Trustees or any Seven or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Roads or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Seven or more of them shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees or any Seven or more of them, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Seven or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Trustees may contract for Repairs.

LXI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any Seven or more of them, they the said Trustees or any Seven or more of them shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor

Prosecutors and Prosecuted indemnified.

or

or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bond fide* have incurred for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted or have any Action or Actions brought against them for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees or any Seven or more of them.

To oblige  
Subscribers  
to pay their  
Subscrip-  
tions.

LXII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the amending and repairing the Roads hereby authorized to be made or any Part thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions as the said Trustees or any Seven or more of them shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees or any Seven or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid it shall be lawful for the said Trustees or any Seven or more of them, to sue for and recover the same in the Name of the said Trustees or any Seven or more of them, or in the Name of their Clerk or Treasurer in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Impar lance shall be allowed.

Trustees  
may com-  
pound for  
Penalties.

LXIII. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits shall be brought, commenced or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Trustees or any Seven or more of them, from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the Whole of such Penalty or Penalties; and such Trustees or any Seven or more of them, may also mitigate, compound, or lessen any other the Forfeitures incurred under this Act, but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract.

Distress not  
deemed un-  
lawful for  
want of Form.

LXIV. And be it further enacted, That where any Distress shall be made for any Penalty, or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall hereafter be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought, and the Defendant or Defendants in any such Action, by Leave of the  
Court



Court where such Action shall depend, may at any Time before Issue joined, pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings or Orders and Judgements shall be had, made, and given in, and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person and Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions to be holden in and for the Parts of *Lindsey* in the said County of *Lincoln*, within Three Calendar Months next after any Order or Determination of the said Trustees or any Seven or more of them, such Appellants first giving or causing to be given Six Days Notice at the least in Writing of their, or his, or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days next after such Notice given, entering into Recognizance before some Justice of the Peace for the said Parts, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in Manner herein mentioned, shall hear and finally determine the Causes, and Matters of every such Appeal in a summary way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive.

General  
Appeal.

LXVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint, or any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, or if any Person or Persons shall be summoned as a Witness or Witnesses, to give Evidence at any General Quarter Sessions of the Peace in the Parts of *Lindsey* in the said County of *Lincoln*, or any Adjournment thereof, upon any Appeal by virtue of this Act, either upon the Part of the Appellant or Respondent, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing, shall refuse to be examined upon Oath and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For compelling  
Witnesses to  
attend.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the Division, Parts, City, or Place wherein the Offence shall be committed, or any Justice of the Peace for the Division, Parts, City, or Place wherein the Offender shall reside, either by Confession of the Party or Parties of-

Penalties  
how to be  
levied and  
applied.

[*Loc. & Per.*]

16 T

fending

sending or by the Oath of one or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes, and the Overplus after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines when paid and recovered shall be (if not otherwise directed to be applied by this Act) from Time to Time paid One Half to the Informer, and the other Half to any Seven or more of the said Trustees or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the Division, Parts, City, or Place wherein the Offender shall reside, 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, shall be sooner paid and satisfied.

LXVIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect [*as the Case shall happen*]; *videlicet,*

Form of  
Conviction.

‘ **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ \_\_\_\_\_ in the Year of our Lord  
 ‘ *A. B.* is convicted before me *C. D.* one of His Majesty’s Justices of the  
 ‘ Peace for the City of \_\_\_\_\_ [*or Division, Parts, or Place*  
 ‘ of \_\_\_\_\_ *as the Case may be, specifying the same, and the Time and*  
 ‘ *Place when and where the same was committed, as the Case shall be*]. Given  
 ‘ under my Hand and Seal the Day and Year first above written.’

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXIX. And be it further enacted, That no Proceeding of the said Trustees, or of any Justice or Justices of the Peace or any of them respectively, touching or concerning, or in Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty’s Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of  
Actions.

LXX. 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 Fourteen Days Notice thereof in Writing be given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties

Parties aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action shall be laid in the County of *Lincoln* and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead at his Election specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *Lincoln*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs, shall be nonsuited or discontinued his, her, or their Action or Actions 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 and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

LXXI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of Trustees, and such Orders and Proceedings, so entered and signed, shall be deemed and taken to be original Orders; which said Book or Books, and also the Book directed to be kept for registering the Mortgages and Assignments herein-before mentioned, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act. Orders and Proceedings of the Trustees to be entered in a Book.

LXXII. 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. Publick Act.

LXXIII. And be it further enacted, That this Act shall commence upon the said Second *Thursday* next after the passing thereof, and shall have Continuance from thence for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Duration of this Act.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1806.

