



ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xvii.

An Act for repairing the Road from *Alford* to *Boston*, and from thence to *Cowbridge* in the Township of *Frithville*, in the County of *Lincoln*.

[2d April 1827.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from Alford to Boston, and from thence to Cowbridge, in the County of Lincoln*: And whereas another Act was passed in the Twenty-fourth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Fifth Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the Road from Alford to Boston, and from thence to Cowbridge, in the County of Lincoln.'* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and enlarge the Powers of Two Acts passed in the Fifth and Twenty-fourth Years of His present Majesty, for repairing and widening the Road from Alford to Boston, and from thence to Cowbridge, in the County of Lincoln*: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, and cannot be repaid, nor can

5 G. 3. c. 96.

24 G. 3. c. 62.

46 G. 3. c. 30.

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the said Road be effectually amended and kept in repair, unless the Terms and Powers of the said Acts are enlarged, and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokees, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Three first-recited Acts were repealed, and if further and other Powers and Provisions were granted instead thereof: 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 Seventeenth Day of July next after the passing of this Act, the said recited Acts passed in the Fifth, Twenty-fourth, and Forty-sixth Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby respectively declared to be repealed; and instead thereof this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from the West End of the Pavement near the Foundation School in *Alford*, by *Miles Cross Hill*, through the Parishes of *Well* and *Ulceby*, and the Lane between *Deathorpe* and *Langton*, and through the Parishes of *Dalby*, *Partney*, *Spilsby*, *Toynnton All Saints*, *East Keall*, *West Keall*, *Stickford*, *Stickney*, *Sibsey*, *Fishtoft* and *Skirbeck*, to a certain Place in *Wide Bargate* in the Town of *Boston* in the County of *Lincoln*, where the Word "Turnpike" is marked upon an Iron Plate affixed to the Foot Pavement, and from thence to *Cowbridge* in the Township of *Frithville* in the said County.

Recited Acts of 5, 24, and 46 G. 3. repealed, and this Act to take effect.

New Term and Tolls liable to former Debts.

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

Powers of General Turnpike

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every

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

Acts to extend to this Act.

IV. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the said Trustees under the said Three first-recited Acts, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents, or other Monies so due to the said Trustees under such Acts or any of them, by virtue of any Deed or Specialty, shall and may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had shall be paid and defrayed by and out of the Monies to be received by virtue of this Act; and the Monies, when recovered, shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Former Debts, &c. to be vested in new Trustees.

V. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Former Books to be Evidence.

VI. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered

Bonds, Contracts, &c. to be in force.

entered into, or given by the Trustees for executing the said recited Acts hereby repealed, or any of them, with or to any Person or Persons, for any Purpose relating to the said Road or to the Execution of the said Acts, or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

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

VII. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved, to the Satisfaction of the Trustees, that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts, or any of them, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed, for securing the Repayment of the Money now due on the Credit of the said Acts or the Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by any satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Acts hereby repealed, or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Divisions of *Holland* and *Lindsey* respectively in the County of *Lincoln*, together with *Robert Abbott*, *Thomas Artindale*, *John Skynner Baily*, *Thomas Barker*, *John Benniworth*, *John Benniworth the younger*, *Basil Beridge Clerk*, *Edward Booth Clerk*, *John Booth*, *John Bourne*, *Titus Bourne*, *George Bourne*, *William Brackenbury Bousfield Doctor of Medicine*, *William Bousfield*, *Edward Brackenbury*, *William Brackenbury*, *Joseph Brackenbury*, *Edward Brackenbury Clerk*, *Henry Brackenbury Clerk*, *Thomas Carr Brackenbury*, *James Bradley*, *Thomas Broughton*, *John Burcham*, *Richard Caldecott*, *John Calthrop*, *John Caparn Clerk*, *William Carnley*, *Joel Cartwright*, *Robert Cartwright*, *Garmstone Chapman*, *Henry Clarke*, *Bartholomew Claypon*, *Joseph Claypon*, *Bartholomew Claypon the younger*, *Thomas Clayton*, *William Clutton*, *Thomas Collis*, *Thomas Coltman*, *John Conington Clerk*, *John Saul Cook*, *Joseph Coulam*, *John Coupland*, *Wright Coupland*, *Joshua Coupland*, *Robert Cracroft*, *William Crane Doctor of Medicine*, *Francis John Bateman Dashwood*, *Edmund Dawson Clerk*, *Charles Dennis*,

Dennis, John Dickinson, William Dodson Clerk, Augustus Duggan, Thomas Dupre Clerk, George Edman, Charles Thomas Ellis, Richard Elmhirst, William Elsam, William Emlyn Clerk, John Empringham, Field Flowers, John Gould Floyer, Joseph Fretwell Clerk, Samuel Richard Fydell, Charles Gape Clerk, William Garfit, Thomas Garfit, Henry Gee, Thomas Gee, John Gildon, Bartholomew Goe Clerk, George Goodwin, Peter Goodyear, George Gray, Edward Greathed, James Hairby Doctor of Medicine, William Hairby, John Hannah, George Harrison, Edward Harrison, Sir Gilbert Heathcote Baronet, Francis Hewson, Hairby Hill, Charles Hill, Shadworth Hodgson, John Holland of Carrington, John Holland of Skendleby, Thomas Holtway Clerk, John Palmer Holtway, John Scott Hutching, Joseph Jackson, Benjamin Bowlin Kelsey, Buxton Kenrick the younger, John Kirkham, John Stephen Langton, Felix Laurent Clerk, Henry Linton Doctor in Divinity, John Linton, John Linton the younger, Matthew Bancroft Lister, John Joseph Lister Clerk, Joseph Livesey, William Loft, Robert Loxham Clerk, George Wilson Maddison, George Manners, Owen Marden Clerk, William Marshall, William Mason Clerk, Charles Burrell Massingberd, Peregrine Massingberd, Francis Massingberd Clerk, Edward Meeds, Philip Meredith, William Morley Clerk, Joshua Morris, William Morton, Charles Godfrey Mundy, Charles Mundy the younger, William Oddy Clerk, Henry Butler Pacey Doctor in Divinity, Thomas Palethorpe, Thomas Partridge Clerk, William Porter, Thomas Hardwick Rawnsley Clerk, John Rawson, Charles Rice, John Rinder, Joseph Rinder, Matthew Robinson Clerk, Samuel Robinson, William Rodgerson, Thomas Turner Roe Clerk, Henry Rogers, John Robert Rogers, Henry Rycroft Clerk, Samuel Sandars, John Saul, William Saul the younger, William Searle, Martin Sheath Clerk, John Sheath, Humphrey Waldo Sibthorpe Clerk, John Singleton Clerk, John Smith, George Smith, Benjamin Finch Smith, John Spence Clerk, Thomas Spiking, John Spranger, John Stainton, John Stephenson, George Street Clerk, Francis Swan the younger Clerk, Christopher Taylor, William Thimbleby, Francis Thirkill, John Thirkill Clerk, Saint John Wells Thorpe, Thomas Wright Tonge, James Bass Topham, Henry Trollope Clerk, Charles Keightley Tunnard, John Tupholme, Robert Vyner, Thomas Waite, Samuel Waite, William Waite, John Uttin Waite, William Walker, Joseph Walls Clerk, William Ward, John Wayet Clerk, Francis Wheldale, Francis Wilson Clerk, Henry Wilson, Charles Thorold Wood, Bennett Wood, Walter Wright Doctor of Medicine, Thomas Wright Clerk, William Wright, Richard Yerburch Doctor in Divinity, John Yerburch, James Whiting York, Joseph Young of Alford, Joseph Young of Belleau, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in repair the said Road, and for otherwise carrying this Act into Execution.

IX. And be it further enacted, That the said Trustees shall meet together at the Sessions House in *Spilsby*, on the Seventeenth Day of *July* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Fore-

Meetings of
Trustees.

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noon and Three of the Clock in the Afternoon, and shall then and there proceed to carry this Act into Execution, and shall then and from Time to Time afterwards adjourn themselves to or hold their Meetings for the Execution of this Act at such Place or Places within the said Towns of *Alford*, *Spilsby*, and *Boston*, alternately, as they the said Trustees shall think convenient; and a General Meeting of the said Trustees shall yearly and every Year be held at *Spilsby* and *Boston* alternately, for the passing and settling of all Accounts of the Treasurers, Receivers, Toll Bar Keepers, and other Officers, relating to the said Road, and for the other Purposes of this Act.

Power to appoint Three additional Trustees.

X. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to elect and appoint any Number of Persons, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed to be Trustees for the Purposes of this Act, and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Appointment of Officers.

XI. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the said Trustees; and the said Trustees shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as the said Trustees shall think reasonable.

Old Officers to continue.

XII. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act, and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be

be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers; the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Trustees, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, or more than one *Impar lance*, shall be allowed.

Clerk not to act as Treasurer, and vice versâ.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to continue or to remove all and every or any of the Toll Gates, Turnpikes, Side Bars, and Chains now standing or being in, upon, or across the said Road or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also to continue, or, where need shall be, to erect and build, or cause to be erected and built, proper Toll Houses, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll Gate, Turnpike, Side Bar, or Chain, and to inclose on the Sides of the said Road suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the

Power to continue and erect Toll Gates.

the Occupiers of the said Toll Houses, and from Time to Time to take down and remove or alter and discontinue the aforesaid Toll Gates, Turnpikes, Side Bars, and Chains, Weighing Machines, Toll Houses, and Gardens, or any of them, as the said Trustees shall from Time to Time think proper and expedient.

For the Erection of a Weighing Machine.

XV. And be it further enacted, That it shall be lawful for the said Trustees to erect a Weighing Machine on the said Road at or near the Junction of the Parishes of *Skirbeck* and *Boston*, for the Purpose of taking Tolls for Overweight, and the Keeper of such Weighing Machine, or the Person having the Care thereof for the Time being, shall and he is hereby required to weigh all Waggon, Carts, and other such Carriages which shall pass loaded along the said Road, and which he shall believe to carry greater Weights than are allowed to pass without paying additional Toll, and whether the same shall or shall not have paid Toll at any of the Gates to be erected or continued by virtue of this Act, in the like Manner and with the same Powers, and under the same Regulations in all respects, as are expressed and contained in the said Acts passed in the Third and Fourth Years of the Reign of His present Majesty with respect to Weighing Machines and Overweights.

Power to take Tolls.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road or any Part thereof (except at the Side Gate at or near *Burton's Corner*), Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence :
 For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Waggon or Cart, the Fellies of the Wheels of which are of the Breadth of Six Inches or more, the Sum of Four-pence :
 For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Waggon or Cart, the Fellies of the Wheels of which are of less Breadth than Six Inches, the Sum of Sixpence :
 For every Horse, Mule, Ass, or other Beast of Draught drawing any Coach, Chariot, Calash, Chaise, or other such Carriage, the Sum of Four-pence :
 For every Drove of Oxen, Cows, Burlings, or Neat Cattle, the Sum of One Shilling and Two-pence *per Score* :
 For Half a Score the Sum of Seven-pence :
 For a Quarter of a Score, the Sum of Three-pence Halfpenny :
 For Four only of such Oxen, Cows, Burlings, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Three-pence :

For

For Three only of such Oxen, Cows, Burlings, or Neat Cattle, or for Three above a Score, Half Score, or Quarter Score, the Sum of Two-pence :

For Two only of such Oxen, Cows, Burlings, or Neat Cattle, or for Two above a Score, Half Score, or Quarter Score, the Sum of One Penny Halfpenny :

For One only of such Oxen, Cows, Burlings, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Penny :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence *per* Score :

For Half a Score, the Sum of Three-pence Halfpenny :

For a Quarter of a Score, the Sum of One Penny Halfpenny :

For Four only of such Calves, Hogs, Sheep, or Lambs, or for Four above a Score, Half Score, or Quarter Score, the Sum of One Penny Halfpenny :

For Three or Two only of such Calves, Hogs, Sheep, or Lambs, or for Three or Two above a Score, Half Score, or Quarter Score, the Sum of One Penny :

For One only of such Calves, Hogs, Sheep, or Lambs, or for One above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny :

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize and empower the said Trustees, or their Collector or Collectors, to demand or take, at any Turnpike erected or to be erected or placed upon the said Road between *Burton's Corner* and *Boston*, and across the Side Road at *Burton's Corner*, any greater Tolls than the following; that is to say,

Tolls to be taken between *Burton's Corner* and *Boston*.

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

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Waggon or Cart, the Fellies of the Wheels of which are of the Breadth of Six Inches or more, the Sum of One Penny :

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Waggon or Cart, the Fellies of the Wheels of which are of less Breadth than Six Inches, the Sum of One Penny Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught drawing any Coach, Chariot, Calash, Chaise, or other such Carriage, the Sum of One Penny :

For every Drove of Oxen, Cows, Burlings, or Neat Cattle, the Sum of Three-pence Halfpenny *per* Score :

For Half a Score the Sum of Two-pence :

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For Five or Four only of such Oxen, Cows, Burlings, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Three Farthings :

For Three or Two only of such Oxen, Cows, Burlings, or Neat Cattle, or for Three or Two above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny :

For One only of such Oxen, Cows, Burlings, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Farthing :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two-pence per Score :

For Half a Score, the Sum of One Penny :

For a Quarter of a Score, the Sum of Three Farthings :

For Four only of such Calves, Hogs, Sheep, or Lambs, or for Four above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny :

For Three or any less Number of such Calves, Hogs, Sheep, or Lambs, or for Three or any less Number above a Score, Half Score, or Quarter Score, the Sum of One Farthing.

Persons producing Tickets from Hilldike Bridge or Cowbridge, to pass Toll-free through the Turnpike at Burton's Corner.

XVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons, producing a Ticket of the Day from the Collector of the Tolls at *Hilldike Bridge*, Turnpike or *Cowbridge* Turnpike, to pass Toll-free the same Day through any Turnpike to be erected or placed upon the said Road between *Burton's Corner* and *Boston*, or across the Side Road at *Burton's Corner*; and that it shall and may be lawful for any Person or Persons, producing a Ticket of the Day from the Collector of the Tolls at the Turnpike at *Burton's Corner*, or at any Turnpike to be erected or placed upon the said Road between *Burton's Corner* and *Boston*, or across the Side Road at *Burton's Corner*, to pass through *Hilldike Bridge* and *Cowbridge* Turnpikes the same Day, on Payment of Three Fourths of the Amount of the Tolls authorized to be taken at such last-mentioned Turnpike, according to the Rates first herein-before particularly mentioned and set forth.

For continuing the stopping up of certain Roads.

XIX. And whereas, in order to prevent the Evasion of the Tolls granted by the said Act passed in the Fifth Year of the Reign of His late Majesty, by the Passage of Cattle and Carriages through a Lane called *Frog Lane*, leading from the Town of *Alford* into *Alford West Field*, and through a Lane leading from the Town of *Well* into *Alford South Field*, and through a Lane leading from the said Town of *Well* into *Alford West Field*, and also through Two several Lanes leading from the Road between *Deathorpe* and *Langton* aforesaid to the Town of *Langton*, and also through a Lane leading out of the Turnpike Road near *Cowbridge*, on the North Side of a Drain called *Schoolhouse Drain*, and through another Lane lying on the South Side of the said Drain, both which last-mentioned Lanes lead to *North Gowts*, the Trustees acting in the Execution of the said Acts of the Fifth and Twenty-fourth Years of the Reign of His late Majesty were empowered to stop up the said several Lanes, and the same have been stopped up accordingly; be it there-

fore enacted, That it shall be lawful for the said Trustees to continue all the said Lanes and Places so fenced, ditched, banked, or otherwise stopped up, and to continue, or to make or cause to be made such new or other Ditches, Banks, or Fences in lieu thereof, as they shall from Time to Time find necessary, in order to prevent any Person or Persons from evading the Payment of the Tolls granted by this Act, and the same from Time to Time to keep constantly fenced, ditched, banked, or stopped up in such Manner as the said Trustees shall think proper; and if any Person or Persons shall wilfully fill up, destroy, or damage any such Ditch, Bank, or other Fence, or open any of the Passages so intended to be discontinued, every such Person shall pay to the said Trustees or their Treasurer the Expence of repairing and restoring such Ditch, Bank, or other Fence, and shall also for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, which said Expence and Penalty shall be recovered and the Penalty applied in such Manner as Penalties may be recovered and applied under the Law for repairing and maintaining Turnpike Roads.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to deprive the Inhabitants of the Hamlet of *Frith Bank* in the Township of *Frithville*, of their usual Way or Passage for Cattle or Carriages through or over any such Place or Places so stopped up as aforesaid, but that One or more convenient Gate or Gates, if necessary, shall be continued or made, with a Lock or Locks thereon, at the Expence of the said Trustees, the Keys whereof shall be delivered to such Inhabitants, they paying for such Keys.

Reservation
of Right of
Way to the
Inhabitants
of Frith Bank.

XXI. And be it further enacted, That it shall be lawful for the Inhabitants of the Parish of *Well* to have their usual Way or Passage for Cattle and Carriages, for their own Use only, through or over any Place or Places within the said Parish which have been stopped up by virtue of the said Acts hereby repealed or any of them, they the said Inhabitants providing Keys at their own Expence, and not leaving the Gate or Gates open or unlocked, nor giving or lending their Keys, or knowingly permitting or suffering any other Person, not being an Inhabitant of the said Parish of *Well*, with any Horse, Cattle, or Carriage, to pass through the said Gates or Places, under the Penalty of Forty Shillings for each Offence, to be recovered and applied in such Manner as any other Penalties for evading Tolls may by Law be recovered and applied: Provided always, that it shall be lawful for any Inhabitant of the said Parish of *Well* to permit or suffer any other Person or Persons on Horseback or in a Carriage, coming to or immediately from the House of any Inhabitant of the said Parish, to pass through the Gate leading into *Well Field*, without any or either of them being liable to the said Penalty: Provided nevertheless, that such other Person or Persons shall not pass through the said Parish for the Purpose of avoiding the Payment of Toll at *Alford Turnpike*.

Also to
the Inhabit-
ants of Well.

XXII. Pro-

Tolls to be
paid but
once a Day.

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

Limiting the
Number of
Tolls.

XXIII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken in any one Day, to be computed as before mentioned, for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on the Road between *Alford* and *Spilsby*; and no more than Two full Tolls shall be demanded or taken in any one Day, to be computed as aforesaid, for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through the several Turnpikes or Toll Gates now erected or to be erected on the Road between *Spilsby* and *Boston*; and no more than One full Toll shall be demanded or taken in any one Day, to be computed as aforesaid, for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through the several Turnpikes or Toll Gates now erected or to be erected on the Road between *Boston* and *Burton's Corner*, or between *Boston* and *Cowbridge*.

Stage
Coaches
to pay every
Time of
passing; and
Post Chaises
on every new
Hiring.

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

Respecting
Tolls collect-
ed at Bur-
ton's Corner.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, after having deducted from the Amount of the Tolls to be collected at the Turnpike Gate or Turnpike Gates continued or erected between *Burton's Corner* and *Boston*, and across the Side Road at *Burton's Corner*, the yearly Interest of the Money borrowed for the Purpose of erecting such Turnpike Gates and Toll Houses, and also the necessary Expences of keeping such Toll Houses and Turnpike Gates and Premises in repair, and of removing to some more convenient Place the Weighing Machine situate at or near *Burton's Corner*, if it shall be thought expedient

expedient so to do, and after having paid the yearly Salary of a Collector to be appointed to receive the Tolls at such Gates, to lay out and apply the Residue of such Tolls solely and exclusively to the Repair, Maintenance, and Support of so much of the said Road as lies between *Burton's Corner* and *Boston*, until the Principal Monies and Interest now due and owing on the Security of the Tolls to be collected on the other Parts of the said Road, shall be fully paid off and discharged; and also that it shall be lawful for the said Trustees from Time to Time, with the Consent of the Person or Persons (if any) to whom any Money may be due and owing on the Credit of the said first-mentioned Tolls, to lessen or discontinue all or any of the Tolls to be collected at the said Turnpike Gate or Turnpike Gates erected between *Burton's Corner* and *Boston*, and across the Side Road at *Burton's Corner*, and for such Time as they shall think proper; and if there shall be Occasion, to advance or renew and restore the same Tolls or any of them, so as they do not at any Time exceed the respective Sums or Tolls herein-before made payable at the same Turnpike Gates between *Burton's Corner* and *Boston*, and across the Side Road at *Burton's Corner*: Provided always, that the Tolls so to be taken at or near *Burton's Corner* shall be lessened or discontinued, or advanced or restored, only at the General Annual Meeting of the said Trustees: Provided also, that Twenty-one Days previous Notice of the Intention of the said Trustees to consider the Expediency of lessening or discontinuing, or advancing or restoring, the said Tolls at such Meeting, shall be given upon all the Turnpikes upon the said Road, and in the Towns of *Boston*, *Spilsby*, and *Alford*, and also in *The Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper in general Circulation in that Part of the County of *Lincoln*: Provided, that no Money shall be borrowed on the Credit of the Tolls to be collected at the said last-mentioned Turnpike Gates, except for the Purpose of repairing such Turnpike Gates and Toll House, and the necessary Fencing about the same; nor shall any Money borrowed by virtue of this Act be laid out or applied in amending or repairing the said Road from *Burton's Corner* to *Boston*, or any Part or Parts thereof, until the Principal Monies and Interest now due and owing on the Security of the Tolls to be collected on the other Parts of the said Road shall be fully paid off and discharged; but the whole Costs, Charges, and Expences of carrying this Act into Execution, so far as relates to the same Road from *Burton's Corner* to *Boston*, and the Interest of the Money so to be borrowed as last aforesaid, shall be paid and defrayed out of the Tolls to be collected at the same Turnpike Gates, until such Monies and Interest shall have been so paid off as aforesaid.

XXVI. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts or any of them, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Expences and Costs relative to the procuring and passing of this Act, and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses, and Weighing Machines, and in amending, widening, altering, and improving the said Road, and keeping the same in repair, and in

Application
of Tolls and
other Monies.

[*Local.*]

3 U

defraying

defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Money by this Act charged or to be borrowed, and the Interest due and to grow thereon.

Trustees not to repair Streets in Boston, Spilsby, or Alford.

XXVII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to expend or apply any Part of the Tolls to arise by virtue of this Act in the making, repairing, or lighting of any Street, Highway, or Lane in the respective Towns of *Boston, Spilsby, or Alford.*

As to present Leases of Tolls.

XXVIII. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Road by this Act authorized to be repaired, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessee's Part, shall respectively continue in force until the respective monthly Days on which the Rents therein respectively reserved shall become payable, and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid, shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time, (save as to the Obligations, Covenants, or Agreements for Payment of Rent and Performance of Covenants in such Leases, Bonds, or Securities, on the respective Lessee's or Obligor's Part to be observed and performed, during the Continuance of such Leases, Bonds, or Securities, by virtue of this Act); and until such Determination of such Leases respectively, the respective Lessees thereof shall be entitled to collect and receive, from the Commencement of this Act, the respective Tolls by this Act granted and made payable.

Differences in vacating Leases how to be settled.

XXIX. And be it further enacted, That in case any of the Lessees of the said Tolls shall claim to be entitled to any Compensation or Satisfaction, for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then, if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster.*

Application of Compensation Money when amounting to 200*l.*

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act passed in the Third Year of the Reign of His present Majesty, for the Purposes of this Act, which shall belong to any Corporation, Feme-Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said Act 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 Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the

Method

Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, 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, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with 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 Messuages, Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer 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 meantime, 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 Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Where less than 200*l.* and exceeding 20*l.*

1 G. 4. c. 35.

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

Where not exceeding 20l.

XXXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of disputed Titles to Land.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, 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 of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum

Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXIV. 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 said Court of Exchequer, in pursuance of the said recited Act passed in the Third Year of the Reign of His present Majesty or of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, 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, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting
disputed
Titles to
Money.

XXXV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act passed in the Third Year of the Reign of His present Majesty or 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, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, 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 the said last-mentioned Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

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

Public Act.

[*Local.*]

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XXXVII. And

Commence-
ment and
Continuance
of this Act.

XXXVII. And be it further enacted, That this Act shall commence on the Seventeenth Day of *July* next after the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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