



ANNO SEPTIMO

# GEORGIIV. REGIS.

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## Cap. lxxxiii.

An Act for making into a Turnpike Road a Road leading from the *Cross Gate* in the Parish of *Swineshead*, to the Southern Extremity of the Parish of *Fosdyke* in the County of *Lincoln*, and repairing and maintaining the same.

[5th May 1826.]

**W**HEREAS the present public Carriage Road, commencing at or near a certain Place called the *Cross Gates* in the Parish of *Swineshead* in the County of *Lincoln*, and extending through the several Parishes of *Wigtoft*, *Sutton*, and *Algarkirke* to the Southern Extremity of the Parish of *Fosdyke* in the said County of *Lincoln*, cannot be kept in repair by the ordinary Course of Law, and it would be of great Advantage and Convenience to the Inhabitants of the said Parishes, and to the Owners and Occupiers of Lands in the Neighbourhood, and would otherwise be of great public Utility, if the same were made a Turnpike Road, but the same cannot be effected without the Aid and Authority of Parliament: 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 said 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 said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 all His Majesty's Justices of the Peace for the Time being acting for the Division of *Holland* in the said County of *Lincoln*, together with *Basil Beridge* Clerk, *William Bolland* Clerk, *Charles Boothby* Clerk,

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Trustees.

[Local.]

Clerk,

Clerk, *Richard Calthrop, William Carter* Clerk, *John Cole, William Garfit, George Holland, Henry Butler Pacey* Doctor in Divinity, *John Paul, Roger Pocklington, Henry Rogers, Francis Thirkill, and John Wheeldon*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making and maintaining the said Road, and for otherwise carrying this Act into Execution.

Transferring Powers of recited Acts to this Act.

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

Power to appoint additional Trustees.

III. 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.

First Meeting of Trustees.

IV. And be it further enacted, That the Trustees for executing this Act, or any Three or more of them, shall hold their First Meeting at the *Peacock Inn* in *Boston* in the said County of *Lincoln*, or some other convenient Place in the Neighbourhood of the said Road, on the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Appointment and Removal of Officers.

V. 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 shall and may remove any such Officer or Officers, and on the Death, Resignation,

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 Proceedings of the 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 by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

VI. And be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who 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 appoint any Person or Persons who 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 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 Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, 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 Imparlance, shall be allowed.

Clerk not to act as Treasurer, and vice versa.

VII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road or any Part thereof, or upon the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, and also 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 Roads suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses respectively, and from Time to Time to take down and remove, or alter or discontinue the aforesaid Toll Gates, Turnpikes, Side Bars, and Chains, Toll Houses and Gardens, or any of them, as the said Trustees shall from Time to Time think proper and expedient.

Power to erect Toll Gates.

VIII. And

Power to take  
Tolls.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons to be appointed 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 Toll Gate and Toll Gates, or Toll Houses, or Side Bars or Side Gates or Chains, which shall be erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, 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, or other Beast drawing any Coach, Chariot, Landau, Berlin, Vis-a-Vis, Barouche, Phaeton, Calash, Chaise, Hearse, Chair, Curricule, Gig, Whiskey, Taxed Cart, Caravan, or Litter, the Sum of Sixpence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage having Wheels of less Breadth than Six Inches in the Fellies or Sole thereof, the Sum of Five-pence :

For every Horse, Mule, or other Beast drawing any such Carriage or Carriages as last aforesaid, having Wheels of the Breadth of Six Inches or more in the Fellies or Sole thereof, the Sum of Three-pence Halfpenny :

For every Horse, Mule, or Ass not drawing, the Sum of Two-pence :

For every Score of Oxen, Cows, or Neat Cattle (except *Scotch* Oxen or Neat Cattle), the Sum of One Shilling ; and so in proportion for a greater or less Number :

For every Score of *Scotch* Oxen or Neat Cattle, the Sum of Nine-pence ; and so in proportion for a greater or less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence ; and so in proportion for a greater or less Number :

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 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 hereinafter directed.

Tolls to be  
paid but  
Once a Day.

IX. 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, or Beast through any one of the said Toll Gates to be erected by virtue of this Act, such Horse, Cattle, or Beast 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.

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

X. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than One full Toll to be demanded or taken on the

the same Day, for or in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages through all the several Turnpikes or Toll Gates to be erected on the whole Line of the said Road.

XI. 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.

Stage  
Coaches, &c.  
to pay every  
Time of pass-  
ing.

XII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Road, 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 is or are expressed in the Writing subscribed by them, or as the said Trustees shall order and direct ; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall, by 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 to sue for the same in the Name of any One of such Trustees or of their Clerk, and to recover the same, together 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 Imparlanee, shall be allowed ; and all such Monies shall be vested in the said Trustees and applied as herein-after mentioned.

Subscribers  
to pay their  
Subscrip-  
tions.

XIII. And be it further enacted, That all the Tolls and other Monies to arise by virtue of the said recited Acts and this Act shall be applied, in the first place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident or in anywise relating to the obtaining and passing of this Act, with lawful Interest for the same, and in the Payment of Interest upon the Money to be borrowed for the Purposes thereof, and then of the Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, and other Officers and Persons for the Time being employed by the said Trustees, and in erecting and providing Toll Gates, Weighing Machines, and other Works and Conveniences upon the said Road, and in repairing, widening, altering, diverting, and otherwise improving the said Road, and in keeping the same in repair, and in paying and defraying all other Charges, Sums of Money, and Expences to be incurred or occasioned in or relating to the Execution of this and the said recited Acts, and also in repaying the Principal Sum or Sums of Money to be borrowed upon the Credit of the Tolls by the said recited Acts and this Act granted, and to and for no other Use or Purpose whatsoever.

Application  
of Tolls.

XIV. 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 or of

Application  
of Compensa-  
tion Money  
if amounting  
to 200*l*.

1 G. 4. c. 35.

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 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 may 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 other 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, Trusts, Intents, or 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 same 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 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 such 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.

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

XV. 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 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

of *England* in the 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.

XVI. 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.

Where not more than 20l.

XVII. 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 or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall 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 there, 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 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.

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

Respecting  
disputed  
Titles to  
Money.

XVIII. Provided always, and be it further enacted, That when 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 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 shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said 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.

The Court  
may order  
reasonable  
Expences of  
Purchases to  
be paid in  
certain Cases.

XIX. 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.

Public Act.

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

Commence-  
ment and  
Continuance  
of Act.

XXI. And be it further enacted, That this Act shall commence on the Day 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.