



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xc.

An Act for repairing the Road from *Foston Bridge* to the Division Stone on *Witham Common* in the County of *Lincoln*. [29th May 1830.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from Foston Bridge through the Town of Grantham to the Division Stone on Witham Common, all in the County of Lincoln, and for repealing several Acts relating thereto*: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and have borrowed and expended considerable Sums of Money in improving the said Road, which Sums are now due and owing on the Credit of the Tolls authorized to be taken by virtue of the said Act, and the same cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless the Term of the said Act be further extended and the Powers thereof altered and enlarged and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Act were repealed, and if further and other Powers and Provisions were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 First Day of *June* next after

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Recited Act the repealed.

the passing of this Act the said recited Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall commence and 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 *Foston Bridge* between or in the Parishes of *Foston* and *Great Gonerby* in the said County of *Lincoln*, or one of them, to the Division Stone on a Place called *Witham Common* in the Parish of *South Witham* in the said County, marked on the one Side "North District" and on the other Side "South District," and which Road passes from, through, or into the several Parishes or Townships of *Great Gonerby*, *Manthorpe cum Little Gonerby*, *Grantham*, *Spittlegate*, *Little Ponton*, *Great Ponton*, *North Stoke*, *South Stoke* otherwise *Stoke Rochford*, *Easton*, *Woolsthorpe*, *Colsterworth*, *Twysford*, *North Witham*, and *South Witham*, or some of them, in the said County of *Lincoln*.

Former Debts, &c. vested in new Trustees.

III. 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 recited Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, who shall be and they are hereby empowered to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or 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 or by virtue of this Act.

Appointment of Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Parts of *Kesteven* in the said County of *Lincoln*, together with *Charles Allix*, *Charles Hammond Allix*, *Robert Gordon Andrews* Clerk, *Henry Atlay* Clerk, *John Barston*, *Thomas Bland* Doctor of Medicine, *Richard Briggs*, *John Brooks*, *Edward Brown*, *Thomas Burbidge*, *George Burrard* Clerk, *William Butcher* Clerk, *John Charles Lucas Calcraft*, *Charles Yorke Calcraft*, *Robert Calcroft*, *William Todkill Catlett*, *Charles Chaplin*, *Sir Mountague Cholmeley* Baronet, *Montague John Cholmeley*, *James Harrison Cholmeley*, *Humphrey Cholmeley* Clerk, *Robert Cholmeley* Clerk, the Honourable *Hugh Clifford*, *Henry Cleveland* Clerk, *Thomas Henry Coles* Doctor in Divinity, *Henry Apreece Coles*, *George Coward*, *John Cowherd* Clerk, *John Cragg*, the Honourable *John Hume Cust* commonly called Lord Viscount *Alford*, the Honourable *Charles Henry Cust*, the Honourable *Henry Cust* Clerk, the Honourable *Richard Cust* Clerk, the Honourable *William Cust*, the Honourable *Peregrine Francis Cust*, the Honourable *Edward Cust*, *Edward Dowdeswell* Doctor in Divinity, *John Edmund Dowdeswell*, *William Easton* Clerk, *Richard Etough* Doctor in Divinity, *George David Faithful* Clerk, *Sir Henry Fane* Knight of the Bath, *Edward Fane* Clerk, *Sir Samuel Fludyer* Baronet, *George Fludyer*, *George Gilbert* Clerk,

George Gordon Doctor in Divinity, *George Gordon* Clerk, *Thomas Gozna*, *Gregory Gregory*, *John Hall*, *Henry Handley*, *William Hardwicke* Clerk, *Thomas Harvey*, *George Heath* Clerk, *Sir Gilbert Heathcote* Baronet, *Gilbert John Heathcote*, *Sir Robert Heron* Baronet, *George Francis Holt*, *John Hopkinson* Clerk, *Samuel Hurst*, *Sir William Amcotts Ingilby* Baronet, *William Augustus Johnson*, *Jonathan Kendal* Clerk, *Charles Edward Kendal* Clerk, *Sir Charles Egleton Kent* Baronet, *William Farmery Kirke*, *Joseph Lawrence*, *Frederic Lely*, *John Litchford*, the Honourable *Charles Manners* commonly called *Lord Charles Manners*, the Honourable *Robert Manners* commonly called *Lord Robert Manners*, *Thomas Manners*, *William James May*, *John Maydwell* Clerk, *Henry Mirehouse* Clerk, *William Mirehouse* Clerk, *John Morgan* Clerk, *John Myers* Clerk, *Sir Gerard Noel Noel* Baronet, *Richard Norman*, *Fletcher Norton*, *George Osborne* Clerk, *George Osborne* the younger, Clerk, *William Ostler* the younger, *Thomas Plaskett* Clerk, *William Potchett* Clerk, *Charles Raby* Clerk, *John Reeve*, *William Key Reeve* Clerk, *Thomas Birch Reynardson*, *Silvester Rogers*, *John Scott* Clerk, *Charles Seawell*, *John Singleton* Clerk, the Honourable *Sir William Talmash* Baronet, commonly called *Lord Huntingtower*, *Lionel William John Talmash*, *Henry Taylor* Clerk, *William Pennington Thackray* Clerk, *Sir John Hayford Thorold* Baronet, *Edward Thorold* Clerk, *Henry Baugh Thorold* Clerk, *Michael Thorold* Clerk, *Charles Roos Thoroton* Clerk, *James Torkington*, *Leonard Elye Towne* Clerk, *William Turner* Doctor of Medicine, *Christopher Turnor*, *John Turnor*, *Sir William Earle Welby* Baronet, *Glynne Earle Welby*, *Thomas Earle Welby*, *Charles Cope Earle Welby*, *Montague Earle Welby* Clerk, *Richard Earle Welby*, *John Earle Welby* Clerk, *George White*, *William Williamson* Clerk, *John Willis* Doctor of Medicine, *John Wingfield*, *Ralph Worsley* Clerk, *Pennyman Wharton Worsley* Clerk, *William Woodall* Clerk, *George Woodcock* Clerk, *Lawrence Wyles*, *Simon Yorke*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for maintaining Turnpike Roads in *England*, 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.

V. And be it further enacted, That the said Trustees shall meet together on the said First Day of *June* 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 Forenoon and Two of the Clock in the Afternoon, at the *Angel Inn* situate in the Town of *Grantham* aforesaid, or at some other convenient Place in or near the same Town, and shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Road, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

Meetings of Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings to elect and appoint any

Power to appoint additional Trustees.

Number

Number of Persons, being duly qualified, 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 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.

Power to
take Tolls.

VII. And be it further enacted, That a Sum or Sums not exceeding the respective Tolls following (to be fixed and ascertained at the First Meeting of the Trustees to be held for carrying this Act into execution) shall be demanded and taken at each and every Turnpike, Toll Gate, Bar, or Chain now set up and continued, or which shall hereafter be set up, upon or across or by the Side of the said Road or any Part thereof, by each and every such Person or Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same, before any Horse, Beast, or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Phaeton, Curricle, Calash, Hearse, Chaise Marine, Gig, Whiskey, Caravan, Van, or Cart upon Springs, Litter, or other such Carriage, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Kind, having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, any Sum not exceeding Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Kind, having the Fellies of the Wheels of less Breadth than Six Inches at the Bottoms or Soles thereof, any Sum not exceeding Sixpence Three Farthings:

For every Four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart, or other Carriage drawing, any Sum not exceeding One Shilling and Sixpence:

For every Two-wheeled Carriage having any Person therein, or being laden in any Manner, fixed to any Waggon, Wain, Cart, or other Carriage drawing, any Sum not exceeding One Shilling and Sixpence; and if unladen or empty, any Sum not exceeding Nine-pence:

For every Pair of Millstones or Block of Stone or Timber, drawn by Five or more Horses or other Beasts of Draught, any Sum not exceeding Three Shillings and Nine-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence Farthing:

For every Drove of Oxen or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Seven-pence Halfpenny *per* Score, and so in proportion for any greater or less Number:

Which said Tolls shall be and the same are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after

herein-after mentioned; and although the same may be fixed and ascertained at the said First Meeting of the Trustees for carrying this Act into execution at less than any of the Sums or Rates herein-before mentioned, the same or any of such Tolls may at any Time or Times afterwards be increased, lessened, varied, or altered, so as they do not at any Time exceed the Tolls by this Act granted or made payable; but before any such Variation is made at any subsequent Meeting such Notices shall be given, and such Consent of Creditors or Mortgagees shall be obtained, as are required by any general Law in force relating to Turnpike Roads.

VIII. And be it further enacted, That no more than One full Toll shall be demanded or taken on the same Day, to be computed as aforesaid, for the same Horses, Cattle, Beasts, or Carriages, on that Part of the said Road lying between *Foston Bridge* and the Town of *Grantham* aforesaid, nor more than One full Toll on that Part of the said Road lying between the said Town of *Grantham* and the Toll Bar or Gate by this Act authorized to be continued at or near to the Division Stone herein-before described.

Number of Tolls limited.

IX. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll or Duty by this Act imposed for passing through any of the said Turnpikes or Toll Gates which shall be continued or erected on any Part or Parts of the said Road hereby directed to be repaired, shall be liable to pay any Toll or Duty for repassing through the same Turnpikes or Toll Gates or any of them (except as herein is otherwise provided to the contrary), with the same Horses, Cattle, Beasts, and Carriages, during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, such Person producing a Ticket denoting the Payment of such Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of such Toll.

Tolls to be paid but once a Day.

X. Provided always, 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 Carriage conveying Passengers or Goods for Pay or Reward, Hire or Sale, for every Time of passing or repassing along the said Road; provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach on account only of the Horses drawing the same having been changed.

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

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 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.

Post Chaises on every new Hiring.

XII. And be it further enacted, That the said Trustees shall continue the present Toll Gate or Turnpike erected and standing across the said Road at or near to the said Division Stone herein-before

Toll Bar to be continued at the Division Stone.

described, with the Buildings, Garden, and other Conveniences thereto standing and being on the Side of the said Road; and such Tolls and Duties shall be taken at the said Toll Gate or Turnpike, from and after the Day appointed for the Commencement of this Act, as are herein-before authorized and appointed to be taken at any Gate or Turnpike erected or standing on or across that Part of the said Road lying South of the Town of *Grantham* aforesaid, over and above all other Tolls and Duties by this Act granted, before any Horse, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same, subject nevertheless to such several Exemptions for repassing or otherwise as are herein provided for; and the several Tolls and Duties arising at the said Toll Gate or Turnpike so to be continued across the said Road at or near the said Division Stone shall be recovered as any other Tolls and Duties are authorized to be recovered, and shall be paid, applied, and disposed of to and for the several Uses, Intents, and Purposes hereinafter mentioned; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences incurred in repairing, supporting, and maintaining the last-mentioned Toll Gate or Turnpike, and the Buildings and other Conveniences thereto, and in defraying the Expences of collecting, receiving, recovering, and leasing the said Tolls and Duties; and the clear Residue or Surplus thereof shall be divided into Two equal Moieties or Parts, one Moiety or equal Part whereof shall be appropriated, laid out, and applied in like Manner and for the like Purposes as other Monies, Tolls, or Duties are by this Act authorized to be applied, and the other Moiety or equal Half Part shall be paid quarterly to the Treasurer or Treasurers for the Time being acting under the Trustees for the Road leading from the Town of *Stamford* aforesaid to the said Division Stone, and at the same Time a Copy or Statement of the Receipts and Payments of Money on account of such Tolls shall be transmitted to such Treasurer.

Application
of the Tolls
and other
Monies.

XIII. And be it further enacted, That out of any Monies already received by virtue of the said recited Act, 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 in watering and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into execution, and in repaying the Principal Monies by this Act charged or to be borrowed and the Interest due and to grow due thereon.

Trustees not
to apply any
of the Money
to repair the
Streets of
Grantham.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money to be received, raised, or borrowed by virtue of this Act in lighting, paving, or repairing any Highway or Street in the Town of *Grantham*.

XV. And

XV. And be it further enacted, That this Act shall be deemed Public Act. 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.

XVI. And be it further enacted, That this Act shall commence Commence- on the First Day of *June* next after the passing thereof, and shall ment and continue and be in force for the Term of Thirty-one Years, and from Continuance thence to the End of the then next Session of Parliament. of Act.

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