



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxxviii.

An Act to repeal so much of the Act relating to the Road from *Bawtry Bridge* in the County of *Nottingham* to *Hainton* in the County of *Lincoln*, and other Roads, as relates to the Second District of Roads therein mentioned, and to make other Provisions in lieu thereof. [27th July 1857.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned*: And whereas by the said Act certain therein-before recited Acts relating to the said Roads were repealed, and the said Roads were divided into Two Districts, called respectively the First and Second District, and the said Second District comprised the Road leading from the East End of the *North Willingham Lane* over *Ludford North Field*, *Great Tows Sheep Pastures*, and *Calsthorpe Sheep Pasture*, and through *Kelstern Lane*, and over *Kelstern Sheep Pasture*, *South Elkington West Field*, and through the Town of *South Elkington*,

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The Dexthorpe Turnpike Road Act, 1857.

ton, and over *South Elkington East Field*, and through *Thorpe Hall Lane* to *Thorpe Hall Mill*, and from thence through *West Gate End*, *Breakneck Lane*, and *Goosepool* to *New King's Head Inn Back Gate* in *Louth*, and from thence to a Clump of Trees called *Julian's Bower*, over *Louth South Field*, by *Kenwick Thorne*, through the Parishes of *Raithby*, *Tathwell*, *Haugham*, *Burwell*, *Walmsgate*, *Ketsby*, *South Ormesby*, *Swaby*, and over *Calceby Bridge* and *Driby Warren*, and Part of *Ulceby West Field*, to the North Side of the Turnpike Road from *Alford* to *Spilsby*, opposite to the Road leading to *Fotheringhay* otherwise *Fordington*, in the said County of *Lincoln*: And whereas the Powers granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November One thousand eight hundred and fifty-seven*, unless Parliament should in the meantime continue the same: And whereas considerable Sums of Money have since the passing of the said Act been borrowed on the Credit of the Tolls authorized to be taken on the said Second District of Roads, and the Principal Sum so borrowed and now due is Three thousand eight hundred and forty-six Pounds: And whereas it is expedient that the said recited Act should be repealed with reference to the Roads comprised in the said Second District, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*The Dexthorpe Turnpike Road Act, 1857*;" and the Roads comprised in this Act shall be called "*The Dexthorpe Turnpike Road*," and the Trustees for executing this Act shall be styled "*The Trustees of the Dexthorpe Turnpike Road*."

Interpretation of Terms.

II. That in this Act the Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act; the Expression "the Roads" or "the said Roads" shall mean the Roads comprised in Section V. of this Act, being the Roads with reference to which this Act is to be put into execution; and the Expression "Toll Gate" or "Toll Gates" shall include "Turnpikes, Toll Bars, Side Bars, Toll Chains, and Check Gates;" and "Day" in reference to Tolls shall be computed from Twelve of the Clock at Night till Twelve of the Clock on the next succeeding Night.

III. That

The Dexthorpe Turnpike Road Act, 1857.

III. That from and after the First Day of *October* One thousand eight hundred and fifty-seven the said recited Act shall be and the same is hereby repealed so far as the same relates to the Roads comprised in this Act, and instead thereof this Act shall then commence and take effect, and be put in execution for the Term of Twenty-one Years from the said First Day of *October* One thousand eight hundred and fifty-seven, and thence to the End of the Session of Parliament which shall then next follow.

Recited Act repealed, as to Roads comprised herein, and this Act to be put in force.

IV. That all Rents, Arrears of Tolls, and other Moneys due to, and all Property and all Choses in Action vested in, the Trustees of the said Roads in respect or on account of the said Second District of Roads under the recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they as such Trustees only shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act in respect of the said Second District of Roads were liable at the Repeal thereof, except such as are by this Act varied, reduced, or extinguished.

Moneys and Property to vest in the new Trustees.

V. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the said Roads leading from the East End of the *North Willingham Lane* over *Ludford North Field*, *Great Tows Sheep Pastures*, and *Calthorpe Sheep Pasture*, and through *Kelstern Lane*, and over *Kelstern Sheep Pasture*, *South Elkington West Field*, and through the Town of *South Elkington*, and over *South Elkington East Field*, and through *Thorpe Hall Lane* to *Thorpe Hall Mill*, and from thence through *West Gate End*, *Breakneck Lane*, and *Goosepool* to *New King's Head Inn Back Gate in Louth*, and from thence to a Clump of Trees called *Julian's Bower*, over *Louth South Field*, by *Kenwick Thorne*, through the Parishes of *Raithby*, *Tathwell*, *Haugham*, *Burwell*, *Walmsgate*, *Ketsby*, *South Ormesby*, *Swaby*, and over *Calceby Bridge* and *Driby Warren*, and Part of *Ulceby West Field*, to the North Side of the Turnpike Road from *Alford* to *Spilsby*, opposite to the Road leading to *Fotheringhay* otherwise *Fordington*, in the said County of *Lincoln*.

Roads to which Act applicable.

VI. That all Her Majesty's Justices of the Peace acting for the Time being for the Parts of *Lindsey* in the said County of *Lincoln*, together with *Hynman Raddish Allenby*, *John Allenby*, *Samuel Allenby*, *Henry Hynman Allenby*, *William Grant Allison*, *Charles Alington Clerk*, *Hildebrand William Alington*, *William Ashton*, *Joshua Beverley*, *John Bogg*, *Edward Bogg*, *David Briggs*, *John Byron*, *Charles Byron*,

Trustees appointed.

The Dexthorpe Turnpike Road Act, 1857.

Byron, Thomas Turnill Cartwright, Nathaniel Cartwright, William Chaplin, Richard Chatterton, William Chatterton, George Beaumont Child, George Child, Edward Alington Cooper Clerk, Joseph Davey, William East, Field Flowers Goe, Benjamin Hyde, William Hyde, Christopher Ingoldby junior, John Jackson, Robert Johnson, William Thomas Kime, Matthew Henry Lister, George William Murray Clerk, Robert Norfolk, Charles North, Thomas Overton, Cornelius Parker, Croft Sharpley, John Booth Sharpley, Roger Sharpley, James Grenville Smyth Clerk, Frederick Sooby, John Sowerby, Maurice Grant Searle, George Smith, Samuel Trought, Richard Thew, John Waite Clerk, John Deane Waite, Samuel James Welfitt, James William Wilson, Thomas Yorke Dallas Yorke, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VII. That it shall be lawful for the Trustees at any Meeting under this Act, of which Notice shall be given as required by the Sixty-sixth Section of the Act of the Third of *George* the Fourth, Chapter 126, to elect any Number of Persons being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VIII. That the said Trustees shall hold their First Meeting at the "*New King's Head Inn*" in *Louth* aforesaid, or at some other convenient Place within the said Town, upon the Second Day of *October* next after the passing of this Act, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Times and Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

IX. That the said Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls continued for a Term.

X. That notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the Third Day of *February* One thousand eight hundred and fifty-eight.

XI. That

The Dexthorpe Turnpike Road Act, 1857.

XI. That upon and after the said Third Day of *February* One thousand eight hundred and fifty-eight it shall be lawful for the Trustees, subject to the Provisions of this Act, to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Roads such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Power to
take Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Landau, Berlin, Chariot, Vis-à-vis, Barouch, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, Taxed Cart, or other such like Carriage, any Sum not exceeding Fourpence Halfpenny :

Tolls.

For every Horse, Mule, Ass, Ox, or Bullock drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding Fourpence Halfpenny :

For every Horse, Mule, Ass, Ox, or Bullock drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or upwards, and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Threepence Halfpenny :

For every Horse, Mule, Ass, Ox, or Bullock drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Threepence :

For every Horse, Mule, Ass, Ox, or Bullock drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Fourpence Halfpenny :

For every Horse, Mule, Ass, Ox, or Bullock drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Threepence :

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny :

For every Ox, Cow, or other Neat Cattle, any Sum not exceeding One Halfpenny :

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Fivepence *per* Score, and so in proportion for any greater or less Quantity :

For every Coach, Chariot, Chaise, Waggon, or any other Carriage with Four Wheels, and being empty, and fixed to any Waggon, Wain, Cart, or other Carriage, any Sum not exceeding One Shilling :

[*Local.*]

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The Dearthorpe Turnpike Road Act, 1857.

For every Coach, Chariot, Chaise, Waggon, or any other Carriage with Four Wheels, and being laden and fixed as aforesaid, any Sum not exceeding Two Shillings :

For every Chair, Cart, or other Carriage with Two Wheels only, being empty and fixed as aforesaid, any Sum not exceeding Fourpence Halfpenny :

For every Chair, Cart, or other Carriage with Two Wheels only, and being laden and fixed as aforesaid, any Sum not exceeding Ninepence ; and,

For every Carriage of whatever Kind propelled or drawn by Steam or any Power other than Animal Power, for each Wheel thereof any Sum not exceeding One Shilling :

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, Coach, Waggon, Cart, or any other Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or cross the said Roads, or on the Sides thereof ; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of a Halfpenny in Tolls.

XII. That in all Cases where there shall be a fractional Part of One Halfpenny on the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable and paid in lieu of such fractional Part.

Tolls to be paid but once for passing and re-passing.

XIII. That when the full Toll shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the Toll Gates on the said Roads, or the Sides thereof, the same Horse, Beast, or Cattle shall (on a Ticket being produced denoting such Payment) be permitted to return Toll-free through the same Toll Gate, and also through such other Gate and Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day.

Limiting the Number of Tolls to be taken.

XIV. That no more than Two full Tolls shall be taken (except as herein-after mentioned) in the same Day, to be computed as aforesaid, for or in respect of the passing and re-passing of the same Horse or Horses, Beasts, Cattle, or Carriages through all the several Toll Gates upon the Roads.

Tolls to be paid for the same Horses on every Change of Carriage ;

XV. That the Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day.

Postchaises, &c. on every fresh Hiring.

XVI. That the Tolls hereby made payable shall be paid for all Horses or other Beasts or other Animals not drawing which shall be let

The Dexthorpe Turnpike Road Act, 1857.

let out to Hire, and for all Horses and other Beasts or Animals drawing any Postchaise or other Carriage let out to Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Animals had been made on the same Day.

XVII. That the Tolls hereby made payable for or in respect of all Horses or other Beasts drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, shall be payable and paid for every Time of passing or re-passing through any of the said Toll Gates respectively. Regulation
as to Stage
Coaches, &c.

XVIII. That the several Toll Gates now standing upon the said Roads, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in, upon, or across the said Roads, or on the Sides thereof, any Toll Gates or Toll Houses, and to remove the present or any future Toll Gates or Toll Houses: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the said Roads, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees held for that Purpose, in conformity with and after such Notices as are required by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, entitled *An Act to amend the Acts for regulating Turnpike Roads.* Respecting
Toll Gates.

9 G. 4. c. 77.

XIX. That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes or Toll Gates erected and continued upon, across, or by the Sides of the said Roads for any Horse, Beast, or other Cattle or Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, or having been used or employed only in carrying or conveying on the same Day any Lime, Bones, Rape, Dust, or other artificial Manure for the *bonâ fide* Purpose of manuring or improving Lands, nor for any Horse, Ass, or other Beast carrying or conveying, or going for the Purpose of carrying or conveying, any Milk, or returning empty from carrying or conveying such Milk, anything herein or in any Act contained to the contrary thereof in anywise notwithstanding. Agricultural
Produce to
be exempt
from Toll.

XX. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Roads shall be duly paid at the Rate herein-after mentioned within One Calendar Month next after the Day on which the General Annual Meeting of the Trustees shall be holden, no Holder of any Mortgage shall be entitled to enter into possession Mortgagees
not to take
possession
but for
Arrears of
Interest.

The Dexthorpe Turnpike Road Act, 1857.

possession of the Toll Gates upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable under any letting of such Tolls; and every Mortgagee entering into possession of any such Toll Gates, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-after mentioned, upon all the said existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall on the First Day of *January* in every Year render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due, at the Rate herein-after mentioned, on such Mortgages up to the preceding First Day of *January*, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up possession of the said Toll Gates, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Application
of Moneys.

XXI. That all Moneys which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in paying the Expenses of Management of the said Roads, including the Expenses of repairing the several Toll Gates and Toll Houses, and in paying the Salaries of the Officers employed in the Execution of this Act, not exceeding in any One Year the Sum of Seventy-five Pounds, but exclusive of the Salaries of Toll Collectors, and the Expense of erecting (if necessary) new Toll Houses, and the Cost of prosecuting and defending Suits and Actions at Law:

Thirdly, in paying Interest after the Rate of Four Pounds and Ten Shillings *per Centum per Annum* upon the said Principal Sum of Three thousand eight hundred and forty-six Pounds, or so much thereof as shall for the Time being remain due and owing:

Fourthly, in paying the Expenses of maintaining and keeping in repair the said Roads, not exceeding in any One Year the Sum of Two hundred and twenty Pounds:

Fifthly,

The Dexthorpe Turnpike Road Act, 1857.

Fifthly, in reducing, paying off, and discharging, in manner herein-after mentioned, the said Principal Sum of Three thousand eight hundred and forty-six Pounds :

Sixthly, in further maintaining, repairing, and improving the said Roads.

XXII. That when and so often as the Sum applicable to the Discharge of the Principal Moneys for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall at any General, Annual, or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Moneys to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same shall relate to the Application of such Sum, by Circular addressed to such Creditor at his last known Place of Abode, and forwarded to him by Post, and at such Meeting the Trustees shall apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Moneys owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Moneys, and after Payment of such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Payment of other Moneys owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted ; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit ; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same as far as may be necessary in or towards the Discharge of the Moneys to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

As to Mode
of discharg-
ing Debt.

XXIII. That no Money shall be laid out on the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

No Money to
be laid out or
taken in
Towns.

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XXIV. That

The Dexthorpe Turnpike Road Act, 1857.

Roads not
exempted
from Provi-
sions of Ge-
neral Acts.

XXIV. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

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