Anno decimo

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading from the Town of *Louth*, in the County of *Lincoln*.

WHEREAS the Road leading from Saltfleet, through the Pariſhes of Saltfleetby, Grimoldby, Manby, Legborn, Stuton, and Louth, to the Head of the Canal in the Pariſh of Louth; and from the Weſt End of a Lane called Manby Middlegate, which divides the Pariſhes of Grimoldby and Manby, through the Pariſhes of Grimoldby, South Cockerington and North Cockerington, to the Waggon Bridge over the new navigable Canal at Alvingham Lock; and from the Weſt End of a Lane called Southhouſe Lane, in the Pariſhes of Stuton and Legborn, through the Pariſhes of Legborn, North Reſton, Caſtle Carlton, South Reſton, and through Bedlam Lane, and the Pariſhes of Tothill and Gayton in the Marſh, to the North End of the Eau Bridge; and from the ſaid Head of the ſaid Canal through Louth, and the Pariſhes of Raithby, Maltby on the Wolds, Tathwell, Caulkwell, Scambleſby, Belchford, and Weſt Aſhby, to Horncaſtle, Preamble

in the County of Lincoln, is in many Places very deep and ruinous, and also very narrow and incommodious, and cannot be properly amended, widened, and repaired, by the Laws now in being: 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 the Most Honourable Robert Bertie, commonly called Marquis of Lindsey; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable James Manners, commonly called Lord James Manners; Sir Brownlow Cust Baronet, Sir Clement Trafford Knight, Charles Anderson, Charles Amcotts, David Atkinson, William Allenby, John Allatt, Henry Andrews, John Andrews, Hinman Allenby, John Ansell, Evelyn Anderson, Ayscoghe Boucherett, Edward Bennett, Bentley Bennett, Bentley Bennett junior, John Bennett, Thomas Bennett, William Brown, William Bentley, Thomas Brackenbury, Joseph Brackenbury Clerk, John Brackenbury, Thomas Birch, James Birch Clerk, John Bourne, Henry Bourne, George Bourne, Robert Bourne, Langhorne Burton, Robert Burton, William Burton, Charles Beaty, George Barnes, Samuel Bennett, Henry Booth, Thomas Brooks, John Brooks, Joseph Banks, Everard Buckworth LL. D. George Banks, Charles Chaplin, George Coltman, Robert Colston, Robert Chapman, Thory Chapman, John Thory Chapman, William Chapman, Richard Clitherow, Robert Wilson Cracroft, John Cracroft, Thomas Cracroft, Charles Clarke, M. D. Maximilian Cerjat, William Caley, Samuel Caley, John Cooper, John Codd, Richard Codd, Edward Codd Clerk, Richard Croft, Robert Cole, Bryan Cooke, Grove Curtoise Clerk, Samuel Dashwood, Charles Vere Dashwood, Charles Dewsnip Clerk, Charles Dewsnip junior Clerk, John Dobbs Clerk, Francis Bateman Dashwood, Wharton Emerson, Richard Ealand, John Elye, Samuel Epworth, John Emeries Clerk, William Elmhurst, William Floyer, John Fowler, George Fowler, Robert Fowler D. D. Stephen Fytche Clerk, George Fytche, Joseph Fowler, James Fowler Clerk, James Forrister Fowler Clerk, David Field, Alexander Gunniss, Friskney Gunniss, George Goodwin, John Goodwin Clerk, John Gylby, William Gwillim, John Gwillim, Isle Grant, John Grant, Langley Gace, Langley Gace Clerk, Grantham Gace, Robert Banks Hodgkinson, Isaac Hill,

Trustees.

John Harriſon, George Fitzwilliam Hodgſon, Thomas Hardy LL. D. Richard Hardy, William Hildyard, William Heſleden Clerk, John Hudſon, William Hyde, George Handſon, Richard Heald, John Hutchinſon, George Fieſchi Heneage, George Jolland, John Inett, George Jolland junior, Wolley Jolland, John Kippey Clerk, Bennett Langton, Samuel Langton, Matthew Liſter, Robert Lee, Matthew Dymoke Liſter, Thomas Liſter, Pindar Liſter, Frederick L'Oſte, Joſeph L'Oſte Clerk, William Loft, William Loft junior, Charles L'Oſte Clerk, William Maſſingberd, William Burrell Maſſingberd, Thomas Meux Maſſingberd, Charles Burrell Maſſingberd, William Marſhall, Henry Cracroft Marſhall, John Mitchell, John Maddiſon, John Marriott Clerk, Thomas Maſon, Chriſtopher Maſon, Chriſtopher Marſhall, John Martinſon Clerk, Henry Martinſon, Robert Morton Clerk, Robert Neve, John Nelthorpe, Robert Newton, William Newton, William Oates Clerk, John Odlin, Richard Oates, Timothy Overton, Charles Anderſon Pelham, Thomas Pownall, John Pownall, John Parkinſon, John Parkinſon junior, Richard Pilkington, Gilbert Pilkington, Charles Pilkington D. D. William Pennington Clerk, William Pennington junior Clerk, John Pariſh, Edward Pariſh, William Pemberton Clerk, Coningſby Sibthorpe, Gervaſe Scrope, Frederick James Scrope, Thomas Scrope, George Stovin, Richard Sugar, Francis Sugar, John Smith Clerk, John Smith junior, Clerk, Thomas Smith, Benjamin Stephenſon, John Stephenſon, John Sidwell Clerk, Henry Shepperd Clerk, Edward Stone, Thomas Shouler, William Stow, Robert Topham, John Topham, John Trolove, John Taylor, Thomas Taylor, Edmund Turner, Robert Vyner, Robert Vyner junior, William Uvedale Clerk, Thomas Whichcot, Charles Wood, Willoughby Wood, Joſeph Walls, Charles White, Edward White, Barnard Wilſon D. D. Richard Wright Clerk, John Wright, Middlemore Ward Clerk, Robert Wilby Clerk, Abraham Walker Clerk, Samuel Whiting Clerk, Thomas Wiſton Clerk, George Wright, George Wright junior, William Wright, Samuel Wright, Thomas Wayet, Timothy Wayet, John Wayet, John Wayet junior, Nicholas Wriggleſworth, Ayſcoghe Wriggleſworth, Richard Weſt, Charles Wigleſworth, John Yerborough, Richard Yerborough, and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and are hereby appointed Truſtees, for repairing and widening the ſaid Roads, and putting this preſent Act, and the Powers therein contained, into Execution.

Time and Place of Truſtees Meeting.

And be it enacted by the Authority aforeſaid, That a Meeting of the ſaid Truſtees, or any Five or more of them, ſhall be held at the Houſe of James Alliſon, known by the Sign of The Blue Stone in Louth aforeſaid, within Thirty-five Days next after the paſſing of this Act; and they the ſaid Truſtees, or any Five or more of them, ſhall reſpectively proceed to the Execution of this Act; and ſhall and may then, and from Time to Time afterwards, adjourn themſelves to meet at ſuch Place or Places within the ſaid Towns of Louth, Horncaſtle, or Saltfleet, as they the ſaid Truſtees, or any Five or more of them, ſhall, from Time to Time, think moſt convenient, for putting this Act into Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees reſpectively, ſhall from Time to Time, as often as ſuch Caſe ſhall ſo happen, by Notice in Writing, to be affixed upon all the Turnpikes which ſhall be then erected upon the ſaid Road, at leaſt Ten Days before the next Meeting, appoint ſuch Truſtees reſpectively to meet at the Place where the laſt Meeting was appointed to be held, on the Fourteenth Day after the Day for which ſuch laſt Meeting was appointed; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences; and that all Orders and Determinations of the ſaid Truſtees in Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authoriſed to make any ſuch Order or Determination; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Eleven Truſtees ſhall be preſent, and concur therein; nor ſhall any Truſtee be capable of acting in the Execution of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act; but all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of Peace in the Execution of this Act, notwithſtanding their being Truſtees.

In Default of a ſufficient Number to act, Notice to be given of another Meeting.

Truſtees at all Meetings ſhall defray their own Expences.

No Act valid unleſs at a publick Meeting;

nor Order to be repealed unleſs Eleven Truſtees be preſent.

No Truſtee ſhall act while holding any Place of Profit.

Truſtees in Commiſſion of the Peace to act as Juſtices

Provided always, and be it hereby further enacted, That there ſhall be a General Meeting of Truſtees in the ſaid Town of Louth upon the Firſt Thurſday in July in every Year, for paſſing Accounts, and for appointing new Officers.

General Meeting at *Louth*.

And

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, to elect one other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed upon all the Turnpikes at least Fourteen Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with. On Death, &c. of Trustees, others to be chosen.

Provided nevertheless, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprises; or possessed of, or intitled unto a Personal Estate of the Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act. Qualifications of Trustees. Penalty if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across any Part or Parts of the said Roads, and also One or more Toll-house or Toll-houses, with suitable Outbuildings thereto, in and upon the same; and also shall and may take in and inclose from the said Roads, or any Trustees may erect Turnpikes and Toll-houses,

any Part or Parts thereof, as many Garden-spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house or Toll-houses; and pull down and remove the same, as they the said Trustees, or any Nine or more of them, shall judge proper; making such Recompense to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Nine or more of them; but no Satisfaction shall be made for the doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Nine or more of them, shall, from Time to Time, appoint to receive the same, at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; (that is to say)

making Recompence.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or Beast of Draught, drawing in any Carriage, Three-pence.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or Beast, not drawing, One Penny Half-penny.

For every Drove of Oxen, Cows, or Neat Cattle, Ten-pence per Score; and so in proportion for a greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score; and so in proportion for a greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall

Tolls refused to be paid, to be levied by Distress and Sale.

Distress may be sold after 4 Days.

ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattels ſo diſtrained; returning the Overplus, (if any be) upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted: And all the Tolls collected or levied by virtue of this Act ſhall be, and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after mentioned.

Truſtees may erect Side-gates.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, to erect, or cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Roads, and upon, in, or acroſs any Lane or Byeway, at the Point where the ſame Lane or Byeway does or ſhall lead into or out of the ſame; and at ſuch Gate or Gates, Turnpike or Turnpikes, to receive and take ſuch Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof, ſo as the ſame do not extend to a Double Charge upon any Perſon or Perſons paſſing the ſame Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

No Toll for 100 Yards on the Road.

Provided always, That no Toll ſhall be taken in reſpect of any Horſe, Cattle, Beaſt, or Carriage, which ſhall not travel more than One hundred Yards upon the ſaid Roads.

No Bar to be erected in *Louth*, except within 100 Feet of *Stanmore Hill Lane*;

And be it further enacted by the Authority aforeſaid, That no Toll-bar, Turnpike, or Side-bar ſhall be erected between the Head of the ſaid Canal and the Town of Louth aforeſaid, or within that Town or the Pariſh thereof, except within One hundred Feet from the North East End of a certain Lane called Stanmore Hill Lane.

nor nearer *Horncaſtle* than the North End of *Weſt Aſhby*.

Provided alſo, That no Bar or Turnpike ſhall be erected nearer to the Town of Horncaſtle than at the North End of the Town of Weſt Aſhby aforeſaid.

No Turnpike to be erected till Two Thirds of the Money is ſubſcribed.

Provided always, and be it enacted, That no Bar or Turnpike ſhall be erected on any Part of the Roads hereby intended to be repaired between Louth and Saltfleet, or between Louth and Horncaſtle, or between Louth and the Eau Bridge, or between Alvingham and Manby Middlegate Lane reſpectively, until it ſhall appear to the ſaid Truſtees, or any Nine or more of them, that Two Thirds of the Money judged neceſſary by the ſaid Truſtees, or any Nine or more of them, for completing the Repair of any of the ſaid reſpective Branches of the Roads above mentioned, where ſuch Bar or Turnpike is by the

said Trustees, or any Nine or more of them, intended to be erected, shall be actually and respectively subscribed; and that the Number of Persons to be from Time to Time employed in repairing and widening the said respective Branches of the Roads above mentioned, after they shall be so respectively subscribed to, shall, at all Times, be equal, in proportion to the Distances of the said respective Branches, until the said Roads shall be sufficiently repaired.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the Roads, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Money.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Nine or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to the obtaining of this Act; and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads, and in paying the Principal and Interest of the Monies borrowed, and for executing the other Purposes of this Act, and to no other Use or Purpose whatsoever.

No Pavements in any Town to be repaired by the Money arising by the Act.

And be it enacted, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in, or applied to, the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the Road, by this Act directed to be widened or repaired, shall lead.

Trustees may lessen the Tolls and raise them again;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their first Meeting, and from Time to Time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted,

and

and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Nine or more of them, may, from Time to Time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the Turnpikes, as they the said Trustees, or any Nine or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the First Meeting, unless the Person or Persons who shall be entitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof, in Writing, to be affixed upon all the Turnpike-gates which shall then be erected by virtue of this Act.

but after the first Meeting no Reduction, unless the Persons entitled to Two-thirds of the Money lent on Credit of the Tolls consent thereto.

Fourteen Days Notice to be given of subsequent Meetings.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than once at any Toll-gate or Turnpike to be erected upon the said Roads, for passing or repassing at any Time or Times in any one Day, to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through the Toll-bar or Turnpike where they shall have already paid, on producing a Note or Ticket denoting the Payment of the said Toll; which Note or Ticket the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Tolls to be paid but once a Day.

Provided always, and be it enacted, That no more than One Toll in any One Day shall be demanded or taken in respect of any Horse, Cattle, Beast, or Carriage, which shall travel upon the said Road, between the Head of the said Canal and the Eau Bridge; nor more than One Toll in any One Day shall be demanded or taken in respect of any Horse, Cattle, Beast, or Carriage, which shall travel upon the said Roads, between the Head of the said Canal and Alvingham Lock; and that no more

Number of Tolls to be taken.

than Two Tolls in any One Day shall be demanded or taken in respect of any Horse, Cattle, Beast, or Carriage, which shall travel upon any other Part of the said Roads.

No Toll for crossing the Road from *Tothill* to *Gayton*.

Provided always, and be it enacted, That no Toll shall be demanded and taken from any Person or Persons for only crossing the said Road from Tothill to Gayton, or from Gayton to Tothill; any Thing herein before contained to the contrary notwithstanding.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Carriage, Horses, Cattle, or Beasts; and all such Composition-money shall be paid Quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all the said several Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to lease the Tolls arising on any Part or Parts of the said Road, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Persons permitting private Passage, or counterfeiting Tickets, &c. to avoid Tolls, shall forfeit 40 *s*.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a Public Highway); or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give

to,

to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending, in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

No Penalty for avoiding Tolls, unless the Roads appear to the Justice to be sufficient.

Provided always, That no Penalty shall be incurred in pursuance of the Directions of this Act by any Person for passing through any Land, Ground, or Hereditament, adjoining to or lying near the Roads by this Act directed to be repaired, in order to avoid the Payment of the Toll by this Act imposed, or by any Person suffering or permitting such Passage, unless that Branch of the Road where such Toll shall be evaded shall appear to the Justice, by whom such Penalty is to be levied, to be so well and sufficiently repaired as to be passable at the Time when such Toll was evaded.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing any of the said Roads, or any of the Roads in the Townships or Parishes in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure employed in Husbandry for manuring or improving of Land; or Posts and Rails, or Poles and Brushwood for Fencing, for the Farmer's own Use; or for any Person or Persons residing in any Township or Parish

in which any of the said Roads do lie, going to or from their proper parochial Church, Chapel, or other Place of religious Worship on the Sabbath-day, or Sunday, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post Horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture in the same or any adjoining Parish; or for any Sheep going to or returning from any Washdike, River, or other Place used for the washing of Sheep in or near any Part of the said Roads; or for any Sheep going to or returning from any Place used for the clipping of Sheep near the said Roads; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Lincoln, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Parishioner, Occupier, or Inhabitant of the Town of West Ashby aforesaid, or their or any of their Servants or Workmen, Horses, Beasts, or other Cattle, or any Goods or Carriage whatsoever, being the sole Property of such Parishioner, Occupier, or Inhabitant, and not travelling or being carried for Hire, upon any Part or Parts of the said Roads within the Town or Parish of West Ashby aforesaid; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person shall forfeit for every such Offence the Sum of Forty Shillings.

Penalty on Persons making illegal Claims.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall tend to prejudice, defeat, extinguish, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have, by long Usage, been had and lawfully taken upon Part of the said Roads.

Customary Tolls not to be prejudiced.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees,

Tolls may be assigned for Money borrowed.

Truſtees, or any Seven or more of them, ſhall think proper, to borrow and take up at Intereſt, ſuch Sum and Sums of Money as they, or any Seven or more of them, ſhall think proper; and alſo they the ſaid Truſtees, or any Seven or more of them, may, and are hereby impowered, from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage or aſſign over the ſaid Tolls, or any Part or Parts thereof, (the Charges of ſuch original Mortgages or Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof: And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe affixed in Writing, under the Hand of the Clerk to the ſaid Truſtees, upon all the Turnpikes then erected by virtue of this Act, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, or who ſhall be entitled to the Money thereby ſecured, is and are hereby impowered, from Time to Time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Preſence of Two or more credible Witneſſes, to aſſign or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured: All which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgage or Mortgages, for which ſuch Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may,

Aſſignments to be entered in a Book.

Clerk's Fee.

Aſſignments may be transferred.

may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Creditors shall have no Preference in respect of the Priority of advancing Monies.

Trustees may appoint Officers,

and remove them, and appoint others;

and allow them Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, from Time to Time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from Time to Time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Nine or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Nine or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Nine or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Nine or more of them, or to such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Nine or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Nine or more of them, within Ten Days after being thereunto required by any Nine or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power relating to

Officers to account for Monies received.

Officers refusing to account, Justices to enquire into the Default,

to the Execution of this Act, then, in each or any of the said Cases, any One or more Justice or Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward; and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Nine or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Nine or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction, in respect thereof, to the said Trustees, or any Nine or more of them.

Officers refusing to account, Justices to enquire into the Default, and commit the Offender, till Payment, or Composition made.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Nine or more of them, shall think proper.

Treasurer to give Security.

Provided also, That as often as any Collector of the Tolls, shall die, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the said Trustees, or any Nine or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Trustees may appoint Collectors, though not at a public Meeting.

Provided also, and be it further enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

No Victualler to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by the said Trustees, and such other Persons as shall be employed by

Surveyors may dig Gravel, &c. in Waste Grounds, &c. without paying for the same,

such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyor or other Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and any of the said Owners or Occupiers, concerning such Damages, the Justices of the Peace, or the major Part of them who shall be assembled at the next General Quarter Sessions for the Division or Place wherein the said Materials shall be so cut, digged, gathered, taken, and carried away, and on Ten entire Days Notice thereof to be given by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, shall hear, settle, and determine the Matter of the said Damages; whose Judgement or Order therein shall be final and conclusive to all Parties.

filling up the Pits;

or from private Grounds,

making Satisfaction to the Owners.

Quarter Sessions to determine Differences.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person as he or they shall appoint, from Time to Time; such Surveyor or Surveyors having an Order for that Purpose from the said Trustees,

Truſtees, or any Five or more of them; to remove and prevent all Annoyances on any Part of the ſaid Roads by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe; and to turn any Watercourſes, Sinks, or Drains, not being under the Juriſdiction of the Commiſſioners of Sewers, running into, along, or out of the ſaid Roads to the Prejudice thereof; and to open, ſcour, cleanſe, widen, or make deeper, any Watercourſes or Ditches adjoining thereto, and make the ſame as deep and large as he or they ſhall think neceſſary; and to cut down, lop, or top any Trees, Shrubs, or Buſhes, growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame; in caſe the Owners or Occupiers of the Premiſes ſhall neglect to lop or top, cut down and remove ſuch Trees, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind; every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

turn Watercourſes,

ſcour, cleanſe, and deepen Ditches, &c.

in caſe the Owners ſhall neglect, after 10 Days Notice given.

Expences to be reimburſed to the Surveyors.

Perſons again offending ſhall forfeit 40*s.*

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make Cauſeways, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Roads, or croſs any ſuch Ditch or Drain where neceſſary; and alſo to widen any narrow Parts of the ſaid Roads, by opening, clearing, and laying into the ſame, any Grounds of any Perſon or Perſons lying contiguous thereto, ſo as to make ſuch Parts of the ſaid Roads Sixty Feet in Width; and alſo to make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the ſaid Roads, (ſuch

Surveyors may make Cauſeways,

erect Bridges,

and make a temporary Road whilſt the old Road is repairing.

Power of Trustees not to extend to pull down Dwelling-houses, &c.

(such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing and widening; making such Recompence to the Owners or Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

Satisfaction for Damages.

Trustees impowered to widen or alter the Road through Waste Ground without making Satisfaction;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall be, and are hereby fully impowered to widen, or to divert, turn, or alter any Part or Parts of the said Road through any Wood or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Nine or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering any Part or Parts of such Road, or widening the same, through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever seised of, interested in, or intitled unto such Lands, Tenements, or Hereditaments in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Nine or more of them, for the Satisfaction

and to contract with the Owners, &c. of Lands, and agree for Damage.

Bodies Politick, &c. impowered to treat with the Trustees.

Satisfaction to be made for such Damages as aforesaid; or to sell and convey unto them, or any Nine or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; or to contract for and give in Exchange any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Roads or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Persons seised or entitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Division, or Place, wherein such Lands or Hereditaments do lie: And, in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises,

Persons refusing to treat, Damage to be settled by a Jury.

miſes, (which Oath any Two or more of the ſaid Juſtices are hereby impowered to adminiſter) and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, as well as all other Perſon or Perſons whomſoever: And, for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſe aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons

Verdict of the Jury to be final.

Truſtees may iſſue their Warrant to the Sheriff for impannelling a Jury.

sons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees or any Nine or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine shall be more than Five Pounds, nor less than Twenty Shillings, on any one Person for one Offence.

Jurors may be challenged.

Trustees may impose Fines on Sheriff, &c. making Default.

Fine not to exceed 5 *l.* nor be less than 20 *s.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Persons respectively entitled to such Monies, or their Agents; and upon Payment thereof, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads, as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be, for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, in such Manner

On Payment of Purchase-monies,

Roads may be turned thro' private Grounds,

Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended; and from thenceforth, all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And, after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road does not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of the said Road; or the said Trustees, or any Five or more of them, may, and are hereby impowered to give in Exchange any Part or Parts of the Lands, so constituing the former Road, for any Part or Parts of such new Road; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithstanding.

Old Road may be sold.

Dwelling-houses, &c. not to be damaged.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be completed, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same in Preference to any other Person.

Owners of adjoining Lands to have Preference in Purchase.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been, or are liable to the mending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repairs thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads lie, and all other Persons liable to perform the Work commonly called Statute Work upon the said Roads, shall remain subject to the Performance of

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

such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, and do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors of the said Road, shall, from Time to Time, direct and appoint; so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the Road, shall give Notice thereof to such Persons: And if any Surveyor, Churchwardens or Overseer of the Poor, for any such Town, Parish, or Place, aforesaid, shall neglect or refuse to do as is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or

Persons renting 50 *l. per Annum*, deemed Team-holders.

Parish Surveyors to give in Lists of Persons liable to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists.

and on Persons not performing Statute-work.

refuse to do such Work, at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six-pence; and every Person who shall, according to such public Notice as aforesaid, come as a Labourer or with any Team to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Labourers found idle, to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, (by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at any Vestry or other public Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition Monies shall be, from Time to Time, paid in Advance, and shall be applied in Repair of such Road; and all such Sur-

Trustees may compound for Statute-work.

veyors

veyors, Churchwardens or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Persons liable to do Statute-work, if aggrieved, may appeal to the Quarter Sessions.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the Time being of any of the said Townships, Parishes, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorised, have directed or appointed too large a Proportion of the Statute-work in any Township, Parish, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid to appeal to the General Quarter Sessions of the Peace, to be held for the Parts of Lindsey in the County of Lincoln; and the Justices, in their said Quarter Sessions, are hereby authorised and impowered finally to adjust and determine what Proportion of the Statute-work in any such Township, Parish, or Place, shall be done on the said Roads; such Surveyor or Surveyors of the Highways as aforesaid first giving Ten Days Notice in Writing of such Appeal, to the Surveyor or Surveyors authorised as aforesaid by the said Trustees.

Parish of *Louth* exempted from Boons, &c. on the Road from *Goose Pool* to *Stanmore Hill Lane* for Seven Years.

Provided always, That all and every the Inhabitants and Parishioners of the Town and Parish of Louth aforesaid shall be exempt from doing any Statute-work, or Boons, from the South-west End of a certain Street called Goose Pool, in Louth, to the North-east End of Stanmore Hill Lane aforesaid, for the Space of Seven Years next after the Commencement of this Act.

Parish of *Horncastle* exempted from Statute-work.

Provided also, and be it enacted, That all and every the Inhabitants and Parishioners of the Parish of Horncastle aforesaid, shall be exempted from doing any Statute-work, or Boons, upon any Part of the said Road.

Penalty on drawing Timber, &c. except upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may

Roads to be measured, and Mile-stones erected.

may cause the said Roads to be measured, and Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied: And in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the common Gaol or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor less than One Calendar Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid: And every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalty on defacing Mile-stones.

On Nonpayment of Penalty, the Offender to be committed.

Trustees may stop the Passages through *Brog Lane* and *Tathwell*, &c.

And whereas the Payment of the said Tolls may be evaded, or greatly lessened, by the Passage of Cattle and Carriages through the Lane called Brog Lane, leading from Stuton to the East End of South House Lane, and to the Town of Grimoldby aforesaid; and also by the Passage of Cattle and Carriages by the Road leading from Tathwell to Cockfey Hills, in the Parish of Tathwell aforesaid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause all the said Lanes, Grounds, Bridges, and Places, to be fenced, ditched, banked, or otherwise stopped up, and to make,

or cause to be made, such Ditches, Banks, or other Fences, in, upon, or across any Part thereof, or along or near the said Roads hereby intended to be repaired, or any Part thereof, as they shall, from Time to Time, find necessary, in order to prevent any Person or Persons from avoiding any of the said Turnpikes; and the same, from Time to Time, to keep constantly fenced, ditched, banked, or stopped up, in such Manner as the said Trustees, or any Five or more of them, 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 such Sum, not exceeding Ten Pounds, nor less than Forty Shillings; which said Expence and Penalty shall be recovered in such Manner as the Penalties in this Act are herein after appointed to be recovered.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, and Forfeitures, and Fines hereby inflicted or authorised to be imposed, the Manner of levying and Recovery whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from Time to Time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Roads: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be

lawful for such Justice of the Peace, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons may appeal to the Justices for Redress, if aggrieved by any Thing in this Act, for which Method of Relief is not appointed;

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice, entering into a Recognisance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognisance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

giving Notice,

and entering into Recognisance.

Distress not to be deemed unlawful for Want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved

nor Party making it a Trespasser *ab initio*, for subsequent Irregularity.

grieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and be it hereby enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks, at any Meeting of Five or more of the said Trustees assembled, as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be vacated for Want of Form,

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees; or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed: And every such Action or Suit shall be laid

laid or brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may at his Election plead specially, or the General Issue, Not guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.