Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Barton Waterſidehouſe* to *Riſeham Hedge Corner*, and ſeveral other Roads, in the County of *Lincoln*, therein mentioned.

WHEREAS the Road leading from Barton Waterſidehouſe, through Elſham Lane, to Brigg, and from Brigg along the old Road through Hibaldſtow, Redbourn, Waddingham Lane, and from thence along the old Street through Spittal, to the Turnpike Road at Riſeham Hedge Corner, in the County of Lincoln; and alſo the Road from the Eaſt End of Bigby Street in Brigg through Kettleby Low Lane, through Bigby Field, up Bigby Hill, and from thence along the old High Road through Clixby to Caiſtor Town; and alſo the Road from the Guide Poſt in Wrawby Field, as far as the Church in Melton, in the Road from Brigg to Great Grimſby, in the ſaid County; are ruinous, and, in ſeveral Places, very narrow and incommodious, and cannot be properly amended, widened, and repaired, by the Laws now in Preamble.

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 Right Honourable Edward Weston, Sir Charles Sheffield Baronet, Sir Cecil Wray Baronet, Sir Rowland Winn Baronet, Sir John Thorold Baronet, Sir John Nelthorpe Baronet, Thomas Whichcot, Charles Anderson Pelham, Charles Anderson, George Forster Tufnel, John Hewett, Ayscoghe Boucherett, Cary Elwes, Thomas Carter, John Bourryeau, John Broadley, Edward Nelthorpe, Charles Gore, William Gildas, Robert Thompson, Christopher Nelson, William Markham, Edward Parker, Lawrence Monck, Rowland Winn, Evelyn Anderson, Henry Willoughby, Thomas Thorold, William Hildyard, Edmund Turnor junior, John Uppleby, Thomas Harrison, Robert Cracroft, William Cayley, Marmaduke Tomline, Christopher Goulton, John Pindar, John Holden, Samuel Fitzwilliam, James Stovin, Dallison, Jenkinson, Thomas Brown, the Reverend Charles Weston Archdeacon of Wilts, Robert Carter, William Cary, John Bar, Justice Finley, Thomas Adams, John Empson, Robert Hewett, William Hargrave, John Skelton, Robert Midgley, George Holiwell, William Holgate, Edward Bristowe, William Trevor, Robert Jackson, Theophilus Kirke, Paul Lidgitt, William Agar, John Gough, Jonathan Winship, Anthony Weatherhed, Francis Howson, Henry Thorold, Richard Branston, William Rewcastle, Clerks; Marmaduke Metcalfe, William Watson, Christopher Dempster, Robert Cliffe, John Cole, Edward Nettleship, Benjamin Charlesworth, Benjamin Footitt, William Hollingworth, Thomas Bradley, Roger Leadbetter, Henry Bentley, Henry Poole, Benjamin Toft, Thomas Nainby, John Kelk, Francis Howorth, Anthony Empringham, Matthew Maw, George Holgate, John Richardson, William Lawrence, Edward Holgate, George Healey junior, Thomas Dennison, John Dent, Charles Wigglesworth, Richard Bewley, Richard Gravenor, Thomas Holgate, Thomas Hudson, Joseph Scholey, John Turner, Joseph Smith, Joseph Smith junior, Charles Wray, Cecil Wray, Michael Cockerline, Robert Swan, George Oliver, Thomas Allenby, Jessop Thorold, William Dixon, Richard Bowser, Edward Wright, Samuel Tesh, Charles Manby, John Saunderson, John Uppleby junior, Thomas Marris, John Bennett, William Tennyson, Edward Winn, John Bowman, Percival Teale, William Teale, Francis Brady, Joseph Bacon, John Beatniffe Clerk,

Clerk, Charles Vere Daſhwood, Joſhua Byron, Thomas Scrivenor, William Marris, Thomas Wyer, Thomas Walkden Clerk, Richard Walkden, Thomas Dixon, the Reverend William Heſleden, Joſeph Foſter, John Robinſon, John Parkinſon, Clerks; Robert Marſhall, the Honourable George Monſon, Robert Vyner, Robert Vyner junior, Coningſby Sibthorpe, John Nelthorpe, Gilbert Caldecot, Chriſtopher Neville, John Lawrence, William Mackenzie, Charles Amcotts, Chriſtopher Neville junior, John Diſney, Lewis Diſney, Phillips Glover, John Harriſon, John Harriſon junior, Jonathan Field, Charles White, Thomas Vivian, John Sutton, Samuel Aſhurſt, Robert Obbiſon, Caleb Slater, Caleb Slater junior, Charles Chaplain, John Haw, Samuel Hewſon, Dudding, Walter Nunwick, John Codd, Chipſey Hornby, George Archer, Chriſtopher Whichcote, Thomas Mainwaring, George Smith, Samuel Turner, Edward Markham, Wharton Emerſon, John Somerſcales, Chriſtopher Bell, Robert Cropper, William Cropper, Richard Oſtler, Thomas Winſhip, John Grantham, George Swallow, William Robinſon, Martin Robinſon, Hinman Allenby, Charles Marris, Charles Empſon, Thomas Martinſon, John Scott, Daniel Scott, John Emperingham, George Chatterton, Joſeph Bernard, Holland, John Teſh, Simon Fowe, Richard Goulton, Joſeph Glentworth, Benedict Hind, Thomas Smith, Mainwaring Branſton, James Bygot, Francis Faulding, John Marris, John Smith, Francis Smith, Benjamin Broughton, Lawrence Wilkin, Richard Wilkin, John Serjeant, William Holgate junior, Thomas Cavil, Thomas Hardy, John Dudding, Henry Markham, Thomas Coatſworth, Samuel Townraw, Chriſtopher Day, Thorpe, Matthew Storey, Charles Slater, John Underwood, John Lonſdale, William Ryther, Thomas Parkinſon, John Everitt, Edward Drewry, William Gilliatt, William Smith, Peter Birket, Joſeph Alcock, John Wainwright, Farmery Epworth, John Raiſbeck, William Sutton, Richard Rhodeley, John Woodall, John Chapman, William Bygot, John Dunn, the Reverend Charles Reynolds D. D. the Reverend William Baſſett Archdeacon of Stow, Henry Beſt, John Hoggard, George Hutton Wyatt, Francis George Baſſett, Chriſtopher Epworth, John Skelton, William Jackſon, Clerks; Thomas Marris of Wrawby, Marmaduke Greybourn, William Nelſon, Marmaduke Nelſon, William Oſtler, Thomas Marris of Cadney, George Nelſon, William Johnſon, David Field, and Theophilus Harneis, and their Succeſſors, to be elected in the Manner herein after-mentioned, ſhall be, and are hereby appointed Truſtees for putting in Execution

cution all the Powers in and by this Act given and granted.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House known by the Sign of the White Lion in Brigg on that Day Month next after the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, to meet at such Place or Places near the said Roads, as they the said Trustees, or any Five or more of them, shall from time to time think most convenient for putting this Act in Execution: And

In Default of a sufficient Number to act,

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, 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 then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees 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 authorized 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 Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Order made to be repealed, &c. but at a publick Meeting.

No Trustee to accept of a Place of Profit.

On Death, &c. of Trustees, others to be chosen.

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 by virtue of this Act, 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 erected by virtue of this Act, at least Ten 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. Notice of Election to be given.

Provided nevertheless, and be it further 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 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 Forty Pounds, above Reprizes; 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. Qualification of Trustees. Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five 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 Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Roads, or 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 Five or more of them, shall judge proper; Trustees may erect Turnpikes and Toll-houses, &c.

and

and take the following Tolls thereat.

and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five 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,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, and Beast of Draught, drawing any Carriage, Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burden, not drawing, One Penny Halfpenny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls may be levied by Distress and Sale.

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 of 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 Chattles 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 after such Seizure and Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, 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.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Trustees may erect Sidegates, &c.

And be it further 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 erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes,

pikes, on the Side or Sides of the said Roads, and upon, in, or across any Lane or Bye-way that 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.

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

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 said 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. Turnpikes, Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five 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 afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Tollhouses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever. Application of Monies.

Provided always, 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 Roads by this Act directed to be widened and repaired shall lead; any thing herein contained to the contrary notwithstanding. Trustees not liable to repair Pavements.

Truſtees may leſſen the Tolls,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five 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 for ſuch Time or Times as they the ſaid Truſtees, or any Five 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 Five 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 Five 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 Tolls are directed to be collected, levied, and applied; but no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting, unleſs the Perſon or Perſons who ſhall be intitled 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 Turnpikes which ſhall be then erected by virtue of this Act.

and raiſe them again.

Tolls to be paid but Once a Day.

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 Tollgate 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 at Night to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the ſaid Roads, and on the Sides thereof, and croſs any Lane or Way leading into the ſame; but all and every Perſon and Perſons, after having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Toll, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle,

Cattle, Beaſts, and Carriages, Toll-free, during ſuch Day, through the ſame Gate or Turnpike.

Provided always, That no more than Five Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſes, Cattle, Beaſts, or Carriages, through all the Toll-gates or Turnpikes to be erected by virtue of this Act; but that all and every Perſon or Perſons, having paid Five Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of ſuch Tolls) ſhall paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll-free, during ſuch Day, through all the Toll-gates or Turnpikes to be erected by virtue of this Act. No more than Five Tolls to be paid for paſſing all the Gates;

Provided alſo, That no more than Three Tolls out of the above Five Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſes, Cattle, Beaſts, or Carriages, through the Toll-gates or Turnpikes to be erected by virtue of this Act, between Barton Waterſidehouſe and Riſeham Hedge Corner; but that all and every Perſon or Perſons, having paid Three Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch laſt-mentioned Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of ſuch Tolls) ſhall paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll-free, during ſuch Day, through all the Toll-gates or Turnpikes to be erected by virtue of this Act between Barton Waterſidehouſe and Riſeham Hedge Corner. nor more than Three Tolls between *Barton Waterſidehouſe* and *Riſeham Hedge Corner*;

Provided alſo, and be it enacted by the Authority aforeſaid, That no more than One Toll out of the ſaid Five Tolls ſhall be demanded or taken betwixt Melton and Brigg; nor more than One Toll out of the ſaid Five Tolls ſhall be demanded or taken betwixt Brigg and Caiſter. nor more than One Toll between *Melton* and *Brigg*, &c.

Provided always, and be it enacted by the Authority aforeſaid, That no Toll-bar or Turnpike ſhall be erected upon the ſaid Roads, till the Sum of Four thouſand four hundred Pounds ſhall have been actually ſubſcribed. Proviſo.

And whereas it may happen that ſome of the Turnpikes to be erected by virtue of this Act, may be ſo placed as to be a particular Hardſhip upon the Inhabitants of ſeveral of the Pariſhes through which the ſaid Roads lead, or adjacent thereto, whoſe Buſineſs may

occaſion

occaſion their frequent paſſing through ſuch Turnpikes to Market, or otherwiſe; be it therefore enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they ſhall ſee convenient, to compound or agree for any Term, not exceeding One Year, with all or any of the Inhabitants of ſuch Pariſhes, ſituate as aforeſaid, for the Paſſing of ſuch Inhabitants with their Carriages and Cattle, through any of the ſaid Turnpikes, for ſuch Sum of Money as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; One Moiety of which Compoſition-money ſhall be inſtantly paid to the Treaſurer, and the other Moiety thereof ſhall be paid to ſuch Treaſurer, at ſuch Time and Times as the ſaid Truſtees ſhall direct; and in caſe the ſame ſhall not be paid at or before the Time or Times appointed for Payment thereof, then, and in ſuch Caſe, ſuch Compoſition ſhall ceaſe and be void; and all ſuch Compoſition-monies ſhall be applied in ſuch Manner as the Tolls collected by virtue of this Act are directed to be applied.

Truſtees may compound for ſuch Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, from Year to Year, or for any Term of Years not exceeding Four 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 Five 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.

Truſtees may leaſe, &c. the Tolls.

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 publick 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, 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

Penalty on going thro' or permitting private Paſſage, &c.

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 Five Pounds; 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 hereafter directed to be applied.

or taking off Horses, &c.

to avoid paying the Tolls.

Provided always, and be it further 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 unladen for, or returning unladen, having been laden only with on the same Day, Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do 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 Out-houses, 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 Lands; or for any Person or Persons residing in any Township or Parish in which 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 or Sheep going to, or passing from, Water or Pasture, or from Pasture to Pasture, in the same or any adjoining Parish; or for any Sheep going to, or returning from, any Wash-dyke, 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

Exemptions from Tolls.

any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger 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: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty on making illegal Claims, &c.

borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall 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, 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 fit; 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 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 upon all the Turnpikes 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 intitled 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 within Three Calendar Months after

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries of all Assignments to be made.

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 shall be paid the Sum of Two Shillings and Six Pence, 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 or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee 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.

Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five 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 Five 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 Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five 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 Five or more of them, or to such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

ing

ing as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths 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 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 Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the Division of Lindsey in the County of Lincoln, shall make Enquiry concerning such Default, either by Confession of the Party, 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 of the said County, 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 Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the said Trustees, or any Five 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 Five or more of them.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until he shall conform or compound for the same.

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

Trustees may appoint Officers, tho' not at a publick Meeting.

for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Victuallers not to have a Place of Profit.

Provided also, and be it 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.

Surveyors may dig Grave, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by 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 Surveyors 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 Grounds 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 any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, concerning the said Damages, the Justices of the Peace, at their General Quarter Sessions of the Peace to be held for the Division of Lindsey, next after such Differences shall arise, and on Six intire Days Notice thereof, to be given by the Surveyor or Surveyors to the said

without paying for the same; levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Owner or Owners, Occupier or Occupiers, or by 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 Matters of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said 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 Water-courses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Water-courses 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 Premisses shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Water-courses 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.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor;

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall 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 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 or widening; making such Recompence 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 Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

erect Bridges,

and widen the narrow Parts of the Roads;

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby fully impowered, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads through any Moor 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 Seven 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, the Course or Path of any Part or Parts of such Roads, 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;

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

Bodies Politick, &c. to contract for the Sale of such Lands.

soever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, 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 Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven 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

Persons, &c. neglecting to treat,

if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Persons seised or intitled 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 Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage

Jury to settle the Damage and Recompence.

and

and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County 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 Premisses (which Oath any Two or more of the said Trustees 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 Premisses; 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 Coverts, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and 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 of Lincoln, commanding him to impanel, 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 impanel, summon, and return such Number of Persons accordingly: And out of the Persons so summoned, impanelled, 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,

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes 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, either of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premisses, 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 Premisses, 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 be more than Five Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Jurors may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default.

Fine not to exceed 5 *l.*

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 intitled to such Monies, or to 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 or Treasurer 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

Money allowed for Lands, &c. how to be charged and tendered.

through

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 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 Roads, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Roads do 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 Roads by this Act directed to be repaired. And 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 constituting the former Roads, for any Part or Parts of such new Roads: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Lands, &c. purchased to be made Part of the Roads,

and esteemed a publick Highway.

Old Roads may be sold,

Buildings, &c. not to be damaged.

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 given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads lies, and all other Persons liable to perform the Work commonly called Statute-work upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements,

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Persons renting 50*l.* per Ann. deemed Team-holders.

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

Inhabitants to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

rements, 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, or 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, 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 said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he 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 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 the Sum of 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 publick 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 Turnpike 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.

Persons found idle to be turned off.

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 authorized, 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 Division of Lindsey in the said County; and the Justices in their said Quarter Sessions are hereby authorized 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 Six Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized as aforesaid by the said Trustees.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

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,

Trustees, with Consent of Inhabitants, may compound for Statute work.

Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his 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 publick 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 the Repair of the said Roads; and all such Surveyors, 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.

Surveyors, &c. paying the Composition-money, how to be reimbursed.

Penalty on haling Timber otherwise than on 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.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, 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 Division of Lindsey in the said County of Linclon;

Penalty on defacing Mile-stones.

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, broken, 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.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized 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 Division of Lindsey in the said County of Lincoln, 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 Chattles 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 Chattles; 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

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 authorized 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 aggrieved may appeal to the Quarter Session.

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 Session of the Peace to be held for the Division of Lindsey in the said County of Lincoln; and within Four Calendar Months after the Cause of such Complaint shall have arisen (such Appellant first giving, or causing to be given, Ten entire 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 Recognizance before some Justice of the Peace for the said Division, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, 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.

Notice of Appeal to be given.

Recognizance to be entered into.

Distress not to be deem'd 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

nor the Party distraining be deemed a Trespasser *ab initio*.

Irregu-

Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved 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 enter'd in a Book.

Provided always, and it is hereby further 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 quashed for want of Form,

or removeable by *Certiorari*.

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.

Limitation of Actions.

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 or brought in the County of Lincoln, 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 further 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.