Anno ſexto

Georgii III. Regis.

An Act for enlarging the Term and Powers of ſo much of Two Acts made in the Twelfth Year of the Reign of King *George* the Firſt, and in the Twelfth Year of the Reign of King *George* the Second, for repairing the Road from *Spittlegate Hill*, in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*, as relates to the Road from *Spittlegate Hill* to *Foſton Bridge*, in the County of *Lincoln*.

WHEREAS by an Act made in the Twelfth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for repairing the Road from *Spittlegate Hill* near *Grantham*, in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*, ſeveral Tolls, Duties, and Powers, were granted to certain Truſtees therein mentioned, which were to continue for and during the Term of Twenty one Years: And whereas by another Act, made Preamble, reciting Acts 12 *Geo.* I.

& 12 Geo. II.

in the Twelfth Year of the Reign of His late Majesty King George the Second, intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, for repairing the Road from *Spittlegate Hill* near *Grantham* in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*, the said Term was further continued for and during the Term of One and twenty Years: And whereas the Trustees have proceeded in the Execution of the said Acts; but that Part of the said Road which leads from Spittlegate Hill to Foston Bridge, in the County of Lincoln, cannot be effectually amended and widened, unless the Term and Powers of the said Acts, so far as the same relate to the said Road from Spittlegate Hill to Foston Bridge, be further continued and enlarged; 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 said former Acts, and all and every the Tolls or Duties, Powers and Clauses therein contained, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge, in the County of Lincoln (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed from and after the Expiration of the Term granted by the said former Acts, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully as if the same were herein again repeated and re-enacted in the Body of this present Act: Which said additional Term, and the Tolls or Duties, Powers, and Clauses hereby continued and granted, are hereby declared to be subject and liable to the Payment of all Sums of Money, now due

The recited Acts continued for the further Term of 21 Years.

and

and owing upon the Credit of the ſaid former Acts, ſo far as the ſame relate to the Road from Spittlegate Hill to Foſton Bridge, and of ſuch other Sum and Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid former Acts, ſo far as the ſame relate to the Road from Spittlegate Hill to Foſton Bridge, or this Act, and the Intereſt due and to grow due for the ſame.

Truſtees Names.

And be it further enacted by the Authority aforeſaid, That the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable John Manners, commonly called Lord Roos; John Archer, Sir Charles Buck Baronet, the Reverend John Blair Doctor in Divinity, Edward Brudenell, Francis Bacon junior Clerk, the Reverend Richard Cuſt Doctor in Divinity, Francis Cuſt, Peregrine Cuſt, Brownlow Cuſt, Mountague Cholmeley, John Calcraft, Thomas Calcraft, the Reverend Robert Cooper, Robert Cane, Clerks; William Cooper, the Reverend Jeremiah Ellis, William Ellis, Clerks; George De Ligne Gregory, William Gregory, Edward Gregory, Daniel Gregory, William Gibſon Clerk, James Garnar, Wildbore Garnar, John Garnar, William Gozna, John Hopkinſon, the Reverend Robert Heron, Theophilus Hill, Henry Hough, Joſeph Hall, George Jollands Clerk, John King, John Key, Anthony Lucas, John Lely, William Leeſon, John Manners, the Reverend James Menteath, John Richard Middlemore, Clerks; Michael Newton, George Nidd, Henry Penant, the Reverend Richard Palmer, John Plumpton, Clerks; Lewis Peachel, William Roe, Richard Radcliffe Clerk, Ephraim Raby, Arthur Shepherd Doctor of Phyſick, Weſton John Smith, the Reverend Richard Stevens, Nathaniel Smith, Clerks; Chriſtopher Stow, Thomas Stanſer junior, Sir John Thorold Baronet, John Thorold, Thomas Thoroton, the Reverend Thomas Twells, Thomas Todington, Clerks; Henry Vernon, Thomas Whichcot, Chriſtopher Whichcote, Francis Whichcote, Richard Welby, William Earl Welby, Richard Wynne, Thomas Woodford Clerk, ſhall, from and after the paſſing of this Act, be added to, and joined with, the Truſtees appointed by or in purſuance of the ſaid former Acts, for putting the ſaid former Acts, ſo far as the ſame relate to the ſaid Road from Spittlegate Hill to

Foston Bridge, and this present Act, in Execution; and the Trustees herein before nominated, are hereby impowered to act in the Execution of so much of the said former Acts as relates to the said before mentioned Road, and also this present Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees by the said former Acts; and the Trustees, appointed by or in pursuance of the said former Acts, for such Part of the Road in the said Acts mentioned, as leads from Spittlegate Hill to Foston Bridge, or by or in pursuance of this present Act, or any Five or more of them, shall have the same Authority for electing new Trustees, from time to time, instead of such of the Trustees hereby or by the said former Acts appointed, and their Successors, who shall die, remove, or refuse to act, as is authorized for the Choice of new Trustees in the said former Acts, for putting in Execution the said Acts, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge.

And whereas, by the said Act made in the Twelfth Year of the Reign of his late Majesty King George the Second, no Person was capable of acting as a Trustee in the Execution of the said Act, or of the Act made in the Twelfth Year of the Reign of his late Majesty King George the First, therein recited, unless such Person was seised or possessed for Life, or some greater Estate, to his own Use, of Lands, Tenements, or Hereditaments, which were rated for Fifty Pounds per Annum, or more, in the Counties of Lincoln or Nottingham, towards the Land Tax for the Year One thousand seven hundred and thirty eight:

And whereas the Qualification limited by the said Act, has been found inconvenient; therefore be it enacted by the Authority aforesaid, That from and after the passing of this Act, no Person shall be capable of acting as a Trustee in the Execution of the said former Acts, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge, or 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 Fifty Pounds, above Reprizes, in the Counties of Lincoln or Nottingham; or possessed of, or intitled unto, a Personal Estate of the clear Value of One thousand Pounds, or shall be

Qualification of Trustees

Heir

Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, in the Counties of Lincoln or Nottingham; 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 at Westminster, 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. Penalty on acting if not qualified.

And whereas, by the said recited Act made in the Twelfth Year of the Reign of his late Majesty, all Meetings, where a sufficient Number of Trustees should not meet to act, were directed to be adjourned by the Clerk to the said Trustees, to the First Friday in the next Month, and Notice was directed to be affixed upon all the Gates or Turnpikes, Ten Days before every such Meeting so adjourned; And whereas, such Adjournments and Notices have proved troublesome and inconvenient, be it enacted by the Authority aforesaid, That from and after the passing of this Act, if at any Meeting or Meetings appointed to be held by virtue of the said former Acts, so far as the same relate to the said Road from Spittlegate Hill to Foston Bridge, or 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 Treasurer to the said Trustees, shall and may, from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon the Turnpike erected or to be erected between the Town of Grantham and Foston Bridge only, at least Six Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other convenient Place within the Town of Grantham, on some convenient Day within Two Months after the Day for which such last Meeting was appointed; any thing in the said recited Act to the contrary notwithstanding: In case the Clerk shall omit to give Notice, Trustees may do it.

standing: And in case it shall happen, that no such Adjournment shall be made at any Meeting of the Trustees as aforesaid, or that no Notice or Appointment for Meeting shall be given or made by the Trustee or Trustees then present, or by the Clerk or Treasurer to the said Trustees, within Two Months after such Day of Adjournment, as aforesaid; then, and in either of the said Cases, it shall and may be lawful at any Time after the Default of such Adjournment or Appointment, for the Treasurer to the said Trustees for the time being, by Notice in Writing under his Hand, to be affixed on the said Turnpike last mentioned, and in some publick Place in the Town of Grantham aforesaid, to appoint the said Trustees to meet at some convenient Place within the said Town of Grantham, at any Time not sooner than Six Days after the Day on which such Notice shall be given; and that Six Days Notice of all Meetings shall be given in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for the time being, and affixed upon the said last mentioned Turnpike, and upon some publick Place in the Town of Grantham aforesaid.

The Tolls following to be taken instead of those granted by the former Act.

And whereas the Tolls granted by the said Act made in the Twelfth Year of the Reign of His late Majesty King George the Second, and payable at the Turnpike erected between Spittlegate Hill and Foston Bridge, will not be sufficient for the Purposes of the said former Acts, so far as they relate to the said Road between Spittlegate Hill and Foston Bridge, and this present Act; be it enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful to and for the said Trustees appointed or to be appointed to put the said former Acts, so far as the same relate to the Road between Spittlegate Hill and Foston Bridge, and this present Act in Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to demand and take the Tolls and Duties herein after-mentioned (instead of the Tolls and Duties made payable by the said Act passed in the Twelfth Year of the Reign of His late Majesty King George the Second) before any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Mule, or Ass, shall be permitted to pass through any Gate or Turnpike

pike erected, or to be erected, between Spittlegate Hill and Foston Bridge, by virtue of the said Act made in the Twelfth Year of the Reign of King George the Second, or this present Act; that is to say;

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Chair, drawn by Six Horses or more, the Sum of One Shilling and Three Pence.

And for every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Chair, drawn by Four Horses or more, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Chair, drawn by less then Four Horses, the Sum of Nine Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Six or more Horses or Oxen, the Sum of One Shilling and Three Pence; and drawn by less than Six Horses or Oxen, and not more than Four Horses or Oxen, the Sum of Six Pence; and drawn by less than Four Horses or Oxen, the Sum of Four Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny.

Tolls vested in Trustees.

And the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, levying, assigning, transferring, leasing, lessening, raising, and compounding for, the Tolls and Duties hereby made payable, as are in and by the said former Acts, or this present Act, to them given and prescribed; and the said Tolls and Duties, and every Part thereof, shall be paid, applied, and disposed of, to and for such Uses, Intents, and Purposes, as are by the said former Acts (so far as the same relate to the Road from Spittlegate Hill to Foston Bridge) and this present Act directed and appointed, and to and for no other Use, Intent, or Purpose, whatsoever.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees appointed by or in pursuance of the said former

Acts,

Acts, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge, or in and by this Act, or any Seven or more of them, assembled at a Meeting for that Purpose, upon the Credit of the Tolls to be collected by virtue of the said former Acts, so far as the same relate to the said Road from Spittlegate Hill to Foston Bridge, or this Act, to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary; and may and are hereby impowered, from time to time, under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part thereof, (the Charges of such Mortgages and 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 such Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; any thing in the said former Acts, or either of them, appointing the Number of Trustees to act for the Purpose of borrowing Money, to the contrary notwithstanding.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any Mortgage or Assignment shall be made of and for Money to be borrowed on the Credit of the Tolls granted by the said former Acts, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge, or by this Act, 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 or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, 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

entering the said original Mortgages or Assignments; for which such Clerk or Treasurer 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 any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, 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 thereon due; 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 Money. Clerk's Fee. All Creditors deemed equal in Degree.

Provided always, That nothing in this Act contained shall extend, or be deemed to extend, to prejudice the prior Claim of such Person or Persons who hath or have already advanced any Sum or Sums of Money on the Credit of such Tolls. Proviso.

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 the said former Acts, in relation to the Road from Spittlegate Hill to Foston Bridge, or this Act, shall be chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mule, Ass, or Carriage, pass through any Land, Ground, or Hereditament, lying near the Turnpike erected, or to be erected, between the Town of Grantham and Foston Bridge by virtue of the said former Act or this Act (the same not being a publick Highway) or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, Mule, Ass, or Carriage, Penalty on Persons evading the Tolls.

riage, or shall otherwise, by means of false Pretences, avoid the Payment of any of the said Tolls, or of any Part thereof; every Person, so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; to be recovered, levied, and applied, in such Manner as other Penalties are in and by the said recited Acts directed to be recovered, levied, and applied.

Surveyors may dig Gravel, &c. in Waste Grounds,

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, Gorse, Heath, Stones, Flints, Chalk, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lies, or in any neighbouring Parish, Town, or Place, within Six Miles of any Part of the said Road, 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 search for, 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,

without paying for the same; levelling the Pits, &c.

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

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That no Person or Persons, who shall collect or receive any Money by virtue or in pursuance of the said former Acts, so far as the same relate to the Road from Spittle-

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gate Hill to Foston Bridge, or this Act, shall, unless required by any Five or more of the said Trustees, and not otherwise, be obliged to verify upon Oath his and their respective Account or Accounts; and such Oath, when required, shall and may be administered by the said Trustees, or any Two or more of them; any thing in either of the said Acts contained to the contrary notwithstanding.

Charges of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act shall, as soon as conveniently may be, be paid out of the Money raised or to be raised by virtue of the said former Acts, so far as the same relate to the Road from Spittlegate Hill to Foston Bridge, or this present Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such his, her, or their Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement

General Issue.

shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants may have for his or their Costs, in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.