ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. lxxiii.

An Act to renew the Term, and continue, amend, and enlarge the Powers, of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and amending the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Milestone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln.

[7th *July* 1856.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Milestone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln: And whereas another Act was passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act for repairing and widening the Roads from Donington High 'Bridge to Hale Drove, and to the Eighth Milestone in the Parish of 'Wigtoft, and to Langret Ferry in the County of Lincoln:' And whereas 31 G. 2. c. 50. 18 G. 3. c. 104.

41 G. 3. c. xliv.

whereas another Act was passed in the Forty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the next Session of Parliament, the Term and alter and enlarge the Powers of Two Acts passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, and the Eighteenth Year of the Reign of His present Majesty King* George *the Third, for repairing and widening the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Milestone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln: And whereas the Trustees appointed in or by virtue of the said recited Acts proceeded in the Execution thereof, and borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Roads, which said Money remained at the Date of the passing of the next herein-after recited Act due and owing: And whereas another Act was passed in the Third Year of the Reign of

3 G. 4. c. ix.

His Majesty King *George* the Fourth, intituled *An Act for repairing and amending the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Milestone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln, whereby the Terms and Powers granted and continued by the said recited Acts passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, and in the Eighteenth and Forty-first Years of the Reign of His Majesty King *George* the Third, were further enlarged and amended, and such of the Powers and Provisions of the said Acts as were continued or amended were consolidated and comprised in One Act, and whereby the said therein and herein-before recited Acts were then severally repealed: And whereas the greater Part of the Money so borrowed on the Credit of the Tolls authorized to be taken on the said Roads still remains due and owing, and the same cannot be paid off, and the said Roads cannot be effectually amended, widened, improved, and kept in repair, unless the Powers and the Term granted by the said last-recited Act be further continued, extended, and enlarged: And whereas by "The Annual Turnpike Acts Continuance Act, 1855," the said recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth was continued in force until the First Day of *October* One thousand eight hundred and fifty-six, and to the End of the next Session of Parliament: And whereas it is expedient that the said recited Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth should be repealed, and that further and more effectual Powers and Provisions should be granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

in

in this present Parliament assembled, and by the Authority of the same:

Recited Act, 3 G.4. c. ix., repealed.

I. That from and after the passing of this Act the said recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, and instead thereof this Act shall be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the present Turnpike Roads from *Donington High Bridge* across *Hammond Beck* through the Towns of *Donington* and *Swineshead* to *Hale Drove*, and through *Swineshead North End*, and through Parts of the Parishes, Townships, Hamlets, or Places of *Swineshead*, *Wigtoft*, *Kirton*, *Frampton*, *Skirbeck Quarter*, Part of the Parish of *Boston* called *Boston West*, through the Town of *Boston* and other Parts of the said Hamlet of *Skirbeck Quarter*, by *Wyberton* Old Milestone, *Frampton Mill*, through other Parts of the said Town of *Kirton*, by *Sutterton Watch-house* to the Eighth Milestone in the Parish of *Wigtoft*, and from *Langret Ferry* through the Township of *Brothertoft* and the Parishes of *Frampton* and *Kirton* to the Road leading from *Swineshead* to *Boston*.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Donington* Turnpike Roads Act, 1856."

Moneys due under repealed Act vested in Trustees of this Act.

III. That all Rents and Arrears of Tolls and other Moneys due to, and all Property and Choses in Action vested in or belonging to, the Trustees under the Act hereby repealed, shall immediately on the passing of this Act be vested in and belong to the Trustees for executing this Act, and such last mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in and belonged to them under the said Act hereby repealed; and the Term and Tolls hereby granted shall be and are hereby made subject and liable to the Payment (in the Manner herein-after provided) of all Moneys and Debts which are now due and owing on the Credit of the Tolls authorized to be taken by the said Act hereby repealed on the said Roads, and all Interest due and to grow due thereon, save and except such Debts and Liabilities as are by this Act reduced, varied, or extinguished.

Conveyances, &c. under former Act to continue in force.

IV. Subject to the Provisions of this Act, all Bonds, Conveyances, Leases of Tolls, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the said Act hereby repealed, or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity until the same be fully satisfied and performed

on

on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Leases of Tolls, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said Act hereby repealed with or to any Person for any Purpose relating to the Roads therein comprised, or to the Execution of the said Act, or any of them, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Leases of Tolls, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said Act hereby repealed shall and may be executed by the same Trustees, notwithstanding the Repeal of the said Act, until the First Meeting of the Trustees appointed by this Act.

Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being acting for the Parts of *Holland* in the County of *Lincoln*, and *Basil Beridge* Clerk, *George Beatson Blenkin* Clerk, *John Bramley* the younger, *Charles Chaplin*, *William Emerson Chapman* the younger, *Henry Clarke*, *Joseph Claypon*, *Bartholomew Claypon*, *Richard Conington* Clerk, *Peregrine Samuel Curtois*, *John Cooper*, *Frederick Cooke*, *John George Calthrop*, *Thomas Collis*, *Joseph Dods*, *Henry Dods*, *William Dods*, *Samuel Everard*, *Samuel Richard Fydell*, *William Garfit*, *William Garfit* the younger, *Thomas Garfit*, *Thomas Gee*, *Charles Green*, *John Doughty Greenside* Clerk, *Joseph Gleed*, *Richard Gleed*, *Charles George Holland*, *Henry Holdsworth* Clerk, *Frederick Lyon Hopkins*, *Joseph Holmes* Clerk, *John Hardwick Hollway*, *Holliday William Hartley*, *Henry Harwood*, *William Casswell Ingall*, *William Augustus Johnson*, *Samuel Henry Jebb*, *William Ludlow* Clerk, *William Lewin*, *Henry Munk*, *John Boyfield Millington*, *Charles Thomas John Moore*, *Henry Oldrid* Clerk, *Henry Butler Pacey* D.D., *George Edwin Pattenden* Clerk, *Roger Pocklington*, *Francis Robinson*, *Henry Rogers*, *John Rogers*, *John Rawson*, *Martin Sheath* Clerk, *Charles Smith*, *John Smith*, *Samuel Smeeton*, *William Simonds*, *John Cabourn Simonds*, *John Short*, *Robert William Stainbank*, *Meaburn Staniland*, *Benjamin Soulby Simpson*, *John Tunnard* Clerk, *John Wilson* Clerk, *John West*, *Francis Thirkill White*, *Thomas Wise* the younger, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VI. That it shall be lawful for the said Trustees, or any Three or more of them, at any of their Meetings to be held in pursuance of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three, to be Trustees for the Purposes of this Act,

Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VII. That the said Trustees shall hold their First Meeting in the Town of *Boston* aforesaid on the Third *Wednesday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Three in the Afternoon, and shall then and from Time to Time adjourn to or hold their Meetings for the Execution of this Act at the same Place, or at such other Place either in the Town of *Boston* aforesaid or in some one of the said Parishes from, through, or into which the said Roads are made or pass, as they the said Trustees shall think convenient, and a General Meeting of the said Trustees shall yearly and every Year be held in *Boston* aforesaid for the passing and settling of all Accounts of the Treasurers, Receivers, Toll-bar Keepers, and other Officers relating to the said Roads, and for the other Purposes of this Act.

Present Tolls continued until new Tolls appointed.

VIII. That notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until other Tolls shall be appointed to be taken under the Powers of this Act.

Books, &c. relative to former Acts to be delivered to the Trustees.

IX. That all Persons who are or have been employed, or who have received any Tolls or other Money, on account of the said Roads, by virtue of the said Act hereby repealed, or by virtue of the said former Acts repealed by the said Act, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors or other Persons receiving any Money by virtue of this Act are required to pay or account for the same by the Forty-seventh Section of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England. 4 G. 4. c. 95.

Power to take Tolls.

X. That it shall be lawful for the said Trustees, or the Lessee or Lessees of the said Tolls, or any of them, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the several Tolls following, subject to the Restrictions herein-after contained, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates erected upon the said Roads by virtue of the said former Acts repealed

repealed by the said Act hereby repealed, and erected or continued by virtue of the said Act hereby repealed, and which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the said Roads, once a Day and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls. For every Horse, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calash, Chaise, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Fivepence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of less Breadth than Six Inches in the Fellies or Sole thereof, the Sum of Fivepence:

For every Horse, Mule, or other Beast drawing any such Carriage or Carriages as last aforesaid, having Wheels of the Breadth of Six Inches or more in the Fellies or Sole thereof, the Sum of Threepence Halfpenny:

For every Horse, Mule, or Ass not drawing, the Sum of Twopence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per* Score:

For Half a Score, the Sum of Sixpence:

For a Quarter of a Score, the Sum of Threepence:

For Four only of such Oxen, Cows, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Twopence Halfpenny:

For Three only of such Oxen, Cows, or Neat Cattle, or for Three above a Score, Half Score, or Quarter Score, the Sum of Twopence:

For Two only of such Oxen, Cows, or Neat Cattle, or for Two above a Score, Half Score, or Quarter Score, the Sum of One Penny Halfpenny:

For One only of such Oxen, Cows, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score:

For Half a Score, the Sum of Threepence:

For a Quarter of a Score, the Sum of One Penny Halfpenny:

For Four or Three only of such Calves, Hogs, Sheep, or Lambs, or for Four or Three above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For Two or One only of such Calves, Hogs, Sheep, or Lambs, or for Two or One above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny:

For every Carriage impelled by Steam or other mechanical Power, the Sum (*per* Wheel) of One Shilling:

Tolls to be paid before Which said respective Tolls or Sums of Money hereby granted and made payable, or any of them, shall, subject to the Restrictions in this Act

Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Sheep, or Lambs, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Byeway leading to the same; and upon Payment of any of the Tolls the Collector or Receiver shall and he is hereby required to deliver to the Person paying such Toll a Note or Ticket denoting such Payment, and specifying thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free, and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after mentioned.

Cattle pass the Gate.

Collectors to give Tickets.

XI. Provided also, That no more than Three full Tolls on the whole Line of Roads shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages as aforesaid, in any One Day, for passing and repassing through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected or continued on the said Roads, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Limiting the Number of Tolls.

XII. Provided always, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage conveying Passengers or Goods for Pay, Hire, or Reward shall be payable and paid every Time of passing or repassing along the said Road.

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

XIII. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire or Reward as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Postchaises on every new Hiring.

XIV. That in case the Toll in this Act mentioned shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, or Cart, or other Carriage of a like Description, at any Toll Gate or Bar upon or on the Side of the said Roads, and any such Horses, Beasts, or Cattle shall be afterwards employed on the said Roads during the same Day in drawing a different Waggon, Wain, Cart, or other Carriage of a like Description from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll in the same Manner as if no previous Payment of Toll in respect of the same had been made.

Horses, &c. drawing different Waggons, &c. to pay every Time of passing.

XV. That

No further Money to be borrowed on the Tolls.

XV. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Extinguishment of unclaimed Debts.

XVI. And whereas the Principal Sum heretofore assumed to be due and owing on the Credit of the said Tolls amounts to the Sum of Eight thousand two hundred and twenty-five Pounds, including Twelve Shares or Debentures, amounting together to the Sum of Five hundred and fifty Pounds, standing in the Names of the following Persons last registered as the Proprietors thereof; namely, Four Debentures, numbered 30, 62, 114, and 145, amounting together to the Sum of Three hundred Pounds, in the Name of the Right Honourable Lord *Robert Bertie*, in respect of which no Interest has been paid or claimed for upwards of Fifty-three Years; Four other Debentures, numbered 28, 60, 112, and 143, amounting together to the Sum of One hundred Pounds, in the Name of Mrs. *Brown*, Representative of *Thomas Trollope Brown* Esquire, deceased, in respect of which no Interest has been paid or claimed for upwards of Forty-two Years; One other Debenture, numbered 141, amounting to Seventy-five Pounds, in the Name of the Duchess of *St. Alban's* (Representative of Mrs. *Elizabeth Cracroft* deceased), in respect of which no Interest has been paid or claimed for upwards of Thirty Years; Two other Debentures, numbered 80 and 149, amounting to Fifty Pounds, in the Name of Mr. *Samuel Foster*'s Executors, in respect of which no Interest has been paid or claimed for upwards of Fifty-three Years; and One other Debenture, numbered 175, amounting to Twenty-five Pounds, in the Name of Miss *Martindale* (Representative of *William Jackson* deceased), in respect of which no Interest has been paid or claimed for upwards of Twenty-five Years: Be it enacted, That from and after the passing of this Act the said unclaimed Debentures, and all Principal Sums and Arrears of Interest due thereon, shall be and they are hereby discharged and extinguished, and all Claims and Demands in respect thereof shall be hereafter barred and estopped.

Determining Amount of Debt.

XVII. And whereas the Debt charged upon the Tolls arising under the said recited Act hereby repealed, and the said former Acts by the said recited Act repealed, after the Extinguishment of the Twelve Shares or Debentures herein-before mentioned, now amounts to the Sum of Seven thousand six hundred and seventy-five Pounds: Be it enacted, That the said Sum of Seven thousand six hundred and seventy-five Pounds, and no more, shall be and be deemed to be the whole Principal Sum due on the Credit of the Tolls arising on the said Roads.

Application of Moneys.

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

First,

First, In paying and discharging the Expenses of obtaining and passing this Act, and incident thereto:

Secondly, In defraying the necessary Expenses of erecting, providing, maintaining, altering, and repairing Toll Gates, Toll Houses, and Weighing Machines, the Salaries and Wages of the Clerk, Surveyor, and other Officers and Persons employed by the said Trustees, and the other Costs and incidental Expenses attending the Management of the said Road, provided that such Expenses shall not exceed in any One Year the Sum of One hundred and fifty Pounds, exclusive of any Payment to Toll Collectors for collecting Toll, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace for maintaining and protecting their Trust:

Thirdly, In paying Interest at such Time as the same shall become due, after the Rate of Four Pounds *per Centum per Annum*, upon the said Principal Sum of Seven thousand six hundred and seventy-five Pounds, or on so much thereof as shall from Time to Time be owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fourthly, In paying the Expenses of maintaining and keeping in repair the Roads, not exceeding One thousand and forty Pounds *per Annum*:

Fifthly, In reducing, paying off, and discharging, in the Manner herein-after provided, the Principal Sum which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road:

And lastly, When the said Principal Sum shall have been paid off and discharged, in maintaining and further repairing and improving the said Roads, and putting this Act into execution with reference thereto.

The Streets of Boston not to be repaired by the Trustees.

XIX. Provided always, That no Part of the Money by this Act made applicable to the amending, improving, maintaining, repairing, and keeping in repair the said Roads shall be applied in or towards repairing or be in any way laid out upon any Part of the Streets now paved or hereafter to be paved in the Town of *Boston*.

Saving Rights of Lighting and Paving Commissioners of Boston.

XX. Nothing in this Act contained shall be held or construed to take away, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities of the Commissioners for lighting the Streets, Lanes, and other public Passages and Places within the Borough of *Boston* in the County of *Lincoln*, or of the Commissioners for paving, cleansing, and improving the Borough of *Boston* aforesaid.

As to Mode of discharging Debt.

XXI. Whenever the Moneys applicable to the Discharge of the Principal Debt owing upon Mortgage of the said Tolls shall amount to the Sum of One hundred Pounds or upwards, the said Trustees shall, at some General, Annual, or other Meeting, (of which Meeting, and the Purposes whereof in this respect, Fourteen Days previous Notice shall be given in some Newspaper published in the said County of *Lincoln*, or by Letter addressed by Post to the usual or last known Place of Abode of each Mortgagee,) apply such Moneys, or a competent Part thereof, in or towards the Discharge of the Principal Money due to the Mortgagee who shall, by Proposal in Writing transmitted to the Clerk of the Trustees previously to or delivered at such Meeting, offer to accept the lowest Composition in respect but not exceeding the full Amount of his Principal Money, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Moneys, or a competent Part thereof, in or towards the Discharge of other Principal Money owing on Mortgage of the said Tolls to the Mortgagee who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Moneys applicable to such Payments shall be exhausted; and if and whenever Two or more Mortgagees by such Proposal as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Moneys applicable to such Payments, after applying the same so far as may be necessary in or towards the Discharge of the Principal Moneys to which any such Proposals relate, the Trustees shall apply the Moneys applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees of the said Tolls, or shall pay the same to such of them as may be determined by Lot, as the Trustees shall think fit; and such Mortgagee or Mortgagees respectively shall be compelled to receive the same, with the Interest due thereon, at the Expiration of One Calendar Month from such Meeting, or the Interest thereafter to accrue due on their respective Mortgages shall thereupon cease and determine.

Mortgagees not to take possession but for Arrears of Interest.

XXII. That whenever and so long as the Interest by this Act allowed upon all existing Mortgages shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising therefrom, or of the Rent payable on any Letting of such Tolls; and every Mortgagee entering into the Possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall

shall pay the Interest from Time to Time due and becoming due upon the said existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee being so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk or Clerks of the said Trustees for the Time being a full and true Account of his Accounts, Receipts, and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last half-yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance, if any, remaining in his Hands, and deliver up possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any of such Rent as aforesaid, to the Trustees or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Penalty on Owners of Cattle, &c. found straying on the Road.

XXIII. That if any Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, shall at any Time be found tethered or wandering, straying, grazing, or lying upon the said Roads or any Part thereof, or by the Sides thereof, and whether attended by any Person or Persons or not, the Owner of any such Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, shall forfeit and pay on Conviction a Sum not exceeding Twenty Shillings for each Offence, to be recovered and applied in such Manner as Penalties may be recovered and applied under the Law for repairing and maintaining Turnpike Roads; but in case such Owner is not known or cannot be found, then the Surveyor, or any other Person authorized by him, is hereby required to seize and impound all and every such Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, in the Common Pound, if any, of the Parish, Township, or Place where the same shall have been found, or in such other Place as the Surveyor shall have provided or shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind so impounded pay the Sum of One Shilling, and for every Score of Geese the like Sum of One Shilling, and so in proportion for any greater or less Number than a Score, together with the reasonable Charges and Expenses of impounding and keeping the same, to such Surveyor, such Charges and Expenses to be settled by any Justice of the Peace; and the said Sum

Power to impound Cattle.

so

so paid shall be applied to the Repair of the said Roads; and in case the said Penalty, Charges, and Expenses shall not be paid within Five Days after such impounding, Notice thereof being first given to the Owner if known, and if not known, by affixing written Notices forthwith at the Two next Toll Gates on the Roads nearest to the Place where such Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, shall have been so impounded, it shall and may be lawful for any Two Justices of the Peace to order any such Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, to be sold (except where it shall be made to appear to such Justices that the Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast or Cattle, or Geese impounded, escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being the Occupier of such Inclosure, nor employed by such Occupier, or that it arose from Accident, and was not wilful, in which Case the said Justices may remit the said Penalty); and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expenses of impounding, keeping, and selling all and every such Horse, Mule, Ass, Ox, Bullock, Sheep, Swine, or other Beast, Cattle, or Animal of any Kind, or any Geese, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Penalty, Charges, and Expenses, in the same Manner as the said Penalty of One Shilling is hereby directed to be applied: Provided always, that no Owner of any Horses, Mules, Asses, Oxen, Bullocks, Sheep, Swine, or other Beasts, Cattle, or Animals of any Kind, or any Geese, impounded as aforesaid, shall in any Case pay more than the Sum of Twenty Shillings, over and above the Charges and Expenses of impounding and keeping the same, for any Number of Horses, Asses, Oxen, Bullocks, Sheep, Swine, or other Beasts, Cattle, or Animals of any Kind, or any Geese, impounded at One Time.

Parishes in Holland Fen, through which Parts of the Roads pass, to contribute to the Repair thereof.

XXIV. And whereas Parts of the said Roads separate and divide certain Lands in the Parishes, Townships, Hamlets, or Places of *Skirbeck Quarter*, *Wyberton*, *Frampton*, *Kirton*, *Wigtoft*, *Swineshead*, Part of the Parish of *Boston* called *Boston West*, and *Brothertoft*, which on the Inclosure of a certain Extra-parochial Fen called *Holland Fen* were Part of such Fen, and allotted to and declared to be Part of such Parishes, Townships, Hamlets, or Places respectively, but the Turnpike Roads separating such Lands were not on such Inclosure declared to be Part of or within such Parishes, Townships, Hamlets, or Places, or any of them; but inasmuch as the Inhabitants

and

and Occupiers of Lands in such Parishes, Townships, Hamlets, or Places have and enjoy the Benefit and Advantage of such Parts of the said Turnpike Roads as separate or divide or pass through their respective Parishes, Townships, Hamlets, or Places, it is reasonable that the same should be considered as Part of the Roads lying within such Parishes, Townships, Hamlets, or Places, and that the Inhabitants of such Parishes, Townships, Hamlets, or Places should be liable to a Proportion of the Expenses of keeping in repair the said Roads, and that such Expenses should be raised, defrayed, and paid by the Inhabitants of the said Parishes, Townships, Hamlets, or Places in the same Manner as the Expenses of repairing public Roads in Parishes in *England* are by Law directed to be raised and paid: Be it enacted, That such Parts of the said Roads as are bounded on both Sides by Lands in One and the same Parish, Township, Hamlet, or Place shall, so far as they are so bounded on both Sides by such Lands, be deemed to be in the same Parish, Township, Hamlet, or Place as the Lands by which they are so bounded; and that as to such Parts of the said Roads as are bounded on one Side by Lands in one Parish, Township, Hamlet, or Place, and on the other Side by Lands in another Parish, Township, Hamlet, or Place, One Half of the Length of such Parts as are so bounded by Lands in Two Parishes, Townships, Hamlets, or Places shall be deemed to be in one of such Parishes, Townships, Hamlets, or Places, and the other Half in the other of such Parishes, Townships, Hamlets, or Places, and that the Justices at a Special Session for the Highways, on Complaint of the Surveyor of either of such Parishes, Townships, Hamlets, or Places as shall bound on one Side only any Part of the said Turnpike Roads (stating in Writing, with a Plan thereunto annexed, that there is such a Highway, equal Moieties of the Length whereof are herein-before declared to belong to and ought to be repaired by the Parishes, Townships, Hamlets, or Places respectively bounding the said Highway on either Side thereof, and particularly describing the same by Metes, Bounds, and Admeasurements thereof), may issue their Summons, with a Copy of such Writing and Plan thereunto annexed, to the Surveyor of the other of such Parishes, Townships, Hamlets, or Places, to appear before them on a Day mentioned in such Summons, and proceed to determine and allot which Half of such Highway is to be considered as belonging to or being in the one Parish, Township, Hamlet, or Place, and which Half as belonging to or being in the other Parish, Township, Hamlet, or Place, in manner and form, as nearly as Circumstances will permit, as is provided by the Fifty-eighth Section of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, with reference to Highways subject thereto; and it is hereby declared, that when any of the said Turnpike

5 & 6 W. 4. c. 50.

pike Roads, or any Part thereof, are or is immediately divided on either Side from the next adjoining Lands by any public Drain or Watercourse, then, for the Purposes of this Clause, such Turnpike Road shall be considered as bounded by such next adjoining Lands.

Township of Brothertoft to maintain its Highways.

XXV. That the Township of *Brothertoft* shall maintain and shall for all Purposes be considered to be a Township maintaining its own Highways.

As to Repairs of Roads at the Black Sluice, Old Gowt, and Redstone Gowt.

XXVI. And whereas in the said Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second it is recited that certain Parts of the Roads intended to be thereby repaired on each Side of a large Drain called "*Black Sluice*," and the Bridge over the same, and also Part of the Highway at or near the *Old Gowt* in *Skirbeck Quarter*, were or had been and of right ought to be repaired at the general Charge of the Eleven Towns of *Holland*; and it is in such Act also recited that certain other Parts of the said Roads on each Side of a large Drain called "*Redstone Gowt*," and the Bridge over the same, had been and of right ought to be repaired at the general Charge of the Occupiers of the Lands in all that large Tract of Country who were subject to the Repairs of *Redstone Gowt*; and it was by the said Act enacted that it should be lawful for the Surveyor or Surveyors, or other Person or Persons who usually did or ought to repair the said Bridges and Parts of the Highways on behalf of the said Eleven Towns of *Holland*, or on behalf of the Occupiers of Lands chargeable with the Repairs of *Redstone Gowt* as aforesaid respectively, and they were thereby severally empowered and required, to repair and amend the said Parts of the said Highways with the same Materials and in the same Manner as the Highways adjoining thereto should be repaired by virtue of that Act, or to contract with and pay to the said Trustees, or any Seven or more of them, such Sum or Sums of Money as should be agreed upon between such Trustees, or any Seven or more of them, and the said Surveyor or Surveyors, in lieu of such Repairs; and in case the said Surveyor and Surveyors, or other Person or Persons before mentioned, or any of them, should neglect to repair the said Highways as aforesaid, or to contract or should not agree with the Trustees for the same, for the Space of One Month after Notice given in Writing under the Hands of the said Trustees, or any Five or more of them, for that Purpose, or if at any Time during the Continuance of the said Act the said Parts of the Highways should not be well and sufficiently amended and kept in repair, (One Month's previous Notice at least in Writing having been first fixed upon or near such Bridge or Road so wanting to be amended under the Hands of the said Trustees, or any Five or more of them,) it should be lawful for the said Trustees, or any Five or more of them, or their Surveyor, or other Person or Persons by their Order,

Order, to repair either any or all of the said Bridges or Roads in such Manner as should seem to them most effectual, the Charge whereof being ascertained by their Surveyor upon Oath, if required, and which Oath any Two or more of the Trustees were thereby empowered to administer, should be reimbursed to the said Trustees by the Officer or Officers acting for and on behalf of the said Eleven Towns of *Holland*, and also for and on behalf of the Persons chargeable to the Repairs of *Redstone Gowt* respectively, or by an equal Rate to be levied by Order of the Justices of the Peace at their General Quarter Session for the Division or Place wherein such Roads or Bridges lay, who were thereby authorized and required to make and cause the same to be levied upon all or any Part of the Lands, Tenements, and Hereditaments chargeable with the Repairs of such respective Bridge or Road so repaired as aforesaid, and which lay within the Limits of their Jurisdiction, and where any Person or Persons chargeable as aforesaid resided in any other Division, then the said Rate should be levied by virtue of a Warrant under the Hand and Seal of any One Justice of the Peace for such Division, who was thereby empowered and required to levy the same upon Sight of the Rate and Order of Sessions aforesaid, or of a Copy thereof signed by the Clerk of the Peace of the Sessions where such Order should be made: And whereas in the said Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third it is recited that Doubts had arisen with respect to the Description of Persons who were or ought to repair the said Bridges and Parts of the Roads or Highways on behalf of the said Eleven Towns of *Holland*, or on behalf of the Occupiers of Lands chargeable with the Repairs of *Redstone Gowt* as aforesaid, and also with respect to the Distance which the last-mentioned Persons were to repair the said Roads or Highways, and in order to obviate such Doubts it was enacted that the Surveyors of the Highways for the Time being in the several Parishes, Townships, or Places of *Boston West*, *Skirbeck Quarter*, *Wyberton*, *Frampton*, *Kirton*, *Algarkirke*, *Fosdyke*, *Sutterton*, *Wigtoft*, *Swineshead*, and *Brothertoft*, in the said County of *Lincoln*, commonly called the Eleven Towns of *Holland*, should be deemed and were thereby declared to be the proper Persons or Officers who were and ought to repair, in manner directed by the said recited Act of the Thirty-first Year of the Reign of His said Majesty King *George* the Second, the said certain Parts of the Roads on each Side of the said Drain called *Black Sluice* and the Bridge over the same, and also Part of the Highway at or near the *Old Gowt* in *Skirbeck Quarter*, on behalf and at the general Charge of the Inhabitants of the said Eleven Towns of *Holland*, and that the Surveyor or Surveyors for the Time being who should be appointed by the Commissioners acting under and by virtue of an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining and improving certain low Marsh and Fen Lands lying between* Boston

5 G. 3. c. 86. (*Private.*)

Boston Haven *and* Bourn *in the Parts of* Kesteven *and* Holland *in the County of* Lincoln, and of an Act passed in the Tenth Year of the Reign of His said Majesty King *George* the Third for amending and making more effectual the said last-mentioned Act, should be deemed and was and were thereby declared to be the proper Person or Persons, Officer or Officers, who was or were or ought to repair, in manner directed by the said recited Act of the Thirty-first Year of the Reign of His said Majesty King *George* the Second, the said other Parts of the said Roads on each Side of the said *Redstone Gowt* to the Distance of Sixty-three Feet and Four Inches from the Centre of the said *Redstone Gowt* Northward, and Ninety Feet and Six Inches from the same Centre Southward, and the Bridge over the same Roads, on the Behalf and at the general Charge of the Occupiers of the Lands chargeable with the Repairs of the said *Redstone Gowt*: And whereas it is expedient that the said Parts of the said Roads should continue to be repaired by the several Persons declared subject and liable to the Repair thereof in and by the said recited Acts: Be it therefore enacted, That all and every Person and Persons, Officer and Officers, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, which is and are in and by the said recited Acts, or either of them, declared subject and liable to repair, amend, and keep in repair the said Parts of the said Turnpike Roads on each Side of the said Drain called the *Black Sluice*, and the Bridge over the same, and Part of the said Roads at or near the *Old Gowt* in *Skirbeck Quarter*, and certain other Parts of the said Roads on each Side of the said Drain called *Redstone Gowt*, and the Bridge over the same, to the Extent specified and declared in and by the said Act passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, shall still remain and be liable and chargeable to and with the Repair of the said Parts of the said Roads and the said Bridges respectively in such Manner and to the same Extent as they were liable and chargeable before the passing of this Act, or might or would have been if the said Acts had not been repealed; and the Trustees acting in the Execution of this Act shall have and use all and every the like Remedies, Powers, and Proceedings for enforcing and recovering Payment of any Sum or Sums of Money that may be due and owing from such Surveyors or other Officers respectively, or any of them, for or on account of the Repairs of the said Parts of the said Roads and Bridges, or under or by virtue of any Contract or Agreement for that Purpose or otherwise, as at or immediately before the passing of this Act were had and used in that Behalf by the Trustees acting in the Execution of the Act hereby repealed.

Power to stop up Passage along the Bank of

XXVII. And whereas in the said Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second it is recited that the Payment of the said Tolls might be evaded or greatly lessened

lessened by the Passage of Cattle and Carriages along the Road on *Hammond Beck* Banks at or between *Swineshead*, *Bargate*, and *Donington High Bridge*, and it was therefore enacted that it should be lawful for the Trustees acting under and by virtue of that Act, or any Five or more of them, to cause the said Road on *Hammond Beck* Banks to be fenced or otherwise stopped up, and from Time to Time kept constantly fenced or stopped up, in such Manner as the said Trustees, or any Five or more of them, should think proper; and if any Person or Persons should wilfully damage or destroy such Fence, or open the said Passage thereby intended to be discontinued, every such Person should pay to the said Trustees, or their Treasurer, the Expense of repairing and restoring the said Fence, and should also for every such Offence forfeit such Sum not exceeding Ten Pounds nor less than Twenty Shillings, as the said Trustees, or any Five or more of them, should appoint: Be it therefore enacted, That it shall and may be lawful to and for the Trustees acting in the Execution of this Act, or any Three or more of them, to keep and maintain the Fences now erected and standing across the said Bank of the *Hammond Beck*, and from Time to Time to erect and maintain such new Fences as they may deem necessary for the effectually fencing and stopping up the said Road on the said Bank; and if any Person or Persons shall wilfully cause any Damage or Injury to such Fences, or shall open or cause to be opened the said Passage hereby intended to be fenced and stopped up, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, nor less than Twenty Shillings, to be recovered and applied in the same Manner as is provided for the Recovery and Application of Penalties by the One hundred and forty-first Section of an Act passed in the Third Year of His Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: Provided always, that nothing in this Act contained shall extend to deprive the Inhabitants of the *Haute Hills* of their Way or Passage for Cattle or Carriages along the Bank of *Hammond Beck* aforesaid, but that such Gate or Gates shall be erected by the said Trustees, with Locks thereon, as to them or any Three or more of them shall seem expedient and necessary, the Keys whereof shall be delivered to such Inhabitants, they paying for the same.

the Hammond Beck.

3 G. 4. c. 126.

XXVIII. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act now in force concerning Turnpike Roads in *England*, so far as the same are not inconsistent with or repugnant to this Act, or of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads not exempt from Provisions of Present and future General Acts.

Commencement and Term of Act.

XXIX. That this Act shall commence on the Day of the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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