

ANNO QUARTO

GEORGII IV. REGIS.

Cap. I.

An Act for repairing the Road from *Sage Cross* in the Town of *Melton Mowbray* in the County of *Leicester* to the Town of *Grantham* in the County of *Lincoln*. [23d *May* 1823.]

WHEREAS an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from* Sage Cross, *in the Town of* Melton Mowbray *in the County of* Leicester, *to the Town of* Grantham *in the County of* Lincoln: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of an Act passed in the Twentieth Year of the Reign of His present Majesty, for making and maintaining the Road from* Sage Cross *in the Town of* Melton Mowbray *in the County of* Leicester, *to the Town of* Grantham *in the County of* Lincoln: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution of the Powers thereby vested in them, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which Money now remains due and owing: And whereas an Act was passed in the Third

20 G. 3. c. 95.

41 G. 3. c. 87.

3 G. 4. c.126. Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas the said Road cannot be effectually amended, widened, improved, and kept in Repair, nor can the Money so borrowed be repaid, unless the Term now subsisting under the said Acts be further continued: And whereas it will facilitate the Execution of the Purposes aforesaid if the said recited Acts, passed in the Twentieth and Forty-first Years of the Reign of His late Majesty King *George* the Third, were repealed, and if further and other Powers and Provisions were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 upon the Second *Thursday* next after the passing of this Act the said recited Acts, passed in the Twentieth and Forty-first Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby respectively declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in Repair the present Turnpike Road leading from *Sage Cross* in the Town of *Melton Mowbray* in the County of *Leicester*, to the North-east Side of a certain Lane between or in the Parishes or Townships of *Spittlegate* in the County of *Lincoln* and *Grantham* in the same County, or one of them, called *Sand-pit Lane*, which said Road passes out of, from, through, or into the several Towns, Parishes, Hamlets, Precincts, and Places following; (that is to say), *Melton Mowbray*, *Thorpe Arnold*, *Waltham-on-the-Woulds*, *Branston*, *Croxton Kerrial*, and *Harston*, in the said County of *Leicester*, and *Denton*, *Harlaxton*, *Spittlegate*, and *Grantham*, in the said County of *Lincoln*; and this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining such Road, and now due or owing upon the Credit or on account of the said former Acts respectively, or secured upon or made payable out of such Tolls respectively, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or on the Tolls hereby authorized to be collected respectively.

Former Acts repealed.

Parishes.

New Term and Tolls liable to former Debts.

3 G. 4. c. 126. to extend to this Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into execution, as if the same had been repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Leicester*, and for the Parts of *Kesteven* in the County of *Lincoln*, and also *Charles Allix*, *William Alsop*, *Robert Gordon Andrews* Clerk, *William Annis*, *Edward Arnold*, *George Ashburn*, *William Atkinson* Clerk, *William Bagshaw* Clerk, *John Barston*, *Gilbert Beresford*

Beresford Clerk, *John Berridge*, *James Thomas Bishop*, *William Bissill* Clerk, *Thomas Black*, *William Blake*, *William Blower*, *Richard Boyfield*, *John Bright* Clerk, *Edward Bright*, *John Suffield Brown*, *Henry Brown* Clerk, *Henry Hinde Brown*, *Thomas Buck*, *William Bullivant*, *John Bullivant*, *John Bunting*, *Thomas Beaumont Burnaby* Clerk, *Edwin Andrew Burnaby*, *John Dick Burnaby*, *Andrew Burnaby* Clerk, *William Butcher* Clerk, *Robert Calcroft*, *John Charles Lucas Calcroft*, *John William Calvert* Doctor of Medicine, *Andrew Carpendale*, *John Carpendale*, *Thomas Carter*, *Edmund Cartwright* Clerk, *William Todkill Catlett*, *Charles Chaplin*, *Thomas Chettle*, Sir *Mountague Cholmeley* Baronet, *Mountague John Cholmeley*, *Lewin Cholmely*, *Thomas Clarke*, *John Cleathing* Clerk, the Honourable *Hugh Clifford*, *Thomas Henry Coles* Doctor of Divinity, *Christopher Compton*, *John Compton*, *James Cook*, *James Bingham Copestake* Clerk, *James Copley*, *John Corrie* Clerk, *George Coward*, *John Cowherd* Clerk, *Richard Cragge* Clerk, the Honourable *Henry Cust* Clerk, the Honourable *Richard Cust* Clerk, the Honourable *William Cust*, the Honourable *Peregrine Francis Cust*, the Honourable *Edward Cust*, *Francis Darker*, *William Day*, *Richard Day*, *John Day*, *Richard Dickens*, *Thomas Dixon*, *William Dodwell* Clerk, *William Dowdeswell*, *William Easton* Clerk, *Richard Etough* Doctor of Divinity, *John Exton*, *Thomas Exton*, *John Fabling*, *George David Faithful* Clerk, *Norton Fletcher*, *Francis Forrester*, *Thomas Fowler*, *John Garner*, *William Gibson* Clerk, *Peter Godfrey*, *Thomas Godfrey* Clerk, *Godfrey*, *George Gordon* Doctor of Divinity, *George Gordon* the younger Clerk, *Thomas Gozna*, *Gregory de Ligne Gregory*, *Edward Gregory* Clerk, *John Hack*, *Thomas Hack*, *William Hall*, *Henry Hall*, *Andrew Hamilton* Clerk, *Thomas Handley*, *Dymock Hardy*, Sir *Edmund Cradock Hartopp* Baronet, *George Harry William Hartopp*, *Edward Hartopp*, *Edward Hartopp* the younger, *Samuel Hartopp* Clerk, *Evans Hartopp* Clerk, *Richard Healey*, *William Healey*, *Robert Henson* Clerk, *George Henton*, *Wright Henton*, Sir *Robert Heron* Baronet, *Thomas Hickling*, *Richard Hill*, *William Hill*, *Richard Holt*, *Hopkinson* Clerk, *Seth Hose*, *Rowland Hoyle* Clerk, *William Humberstone*, *Samuel Hurst*, *John Hutton* Clerk, *John Jackson* Clerk, *Richard Inett*, *William Inett*, *James Raymond Johnstone*, *Robert Judd* the elder, *Thomas Keal*, *John Keal*, *George Anthony Legh Keck*, *Jonathan Kendal* Clerk, *Charles Edward Kendal* Clerk, Sir *Charles Egleton Kent* Baronet, *William King*, *Robert King*, *Kipling* Clerk, *William Farmorie Kirke*, *Joseph Kirkby*, the Honourable *William Lambe*, the Honourable *Frederick James Lambe*, the Honourable *George Lambe*, *John Langwith*, *Charles Latham*, *William Latham*, *Joseph Lawrence*, *Beaumont Leeson*, *Frederic Lely*, *John Litchford*, *John Pinchbeck Mackender*, the Honourable *Charles Manners* commonly called Lord *Charles Manners*, the Honourable *Robert Manners* commonly called Lord *Robert Manners*, *Fauston Manners*, *Edward Manners*, *Roger Manners*, *Otho Manners*, *Thomas Manners*, *William Man*, *George Marriott*, *John Marshall*, *William Martin* Clerk, *John Maydwell* Clerk, *William Miller*, *Miller*, *Edward Monkton*, *John Morres* Clerk, *William Musson*, *John Myers* Clerk, *William Neale*, *Frederick Newcombe*, *John Newton*, *John Noble* Clerk, *Richard Norman*, *Charles Norman*, *Thomas Norris* Clerk, *George Osborne* Clerk, *William Ostler*, *William Ostler* the younger, *Thomas Paget*, Sir *Lawrence Palk* Baronet, *Rawson Parke*, *James Parke*, *Samuel Parke*, the Honourable *William John Frederick Paulet*, *Richard Peete*, the Honourable *Edward Perceval*, *Edward Tufton Phelp*, *Thomas Plaskett* Clerk, *William Potchett* Clerk, *Charles Raby* Clerk, *John Reeve*, *William*

William Key Reeve Clerk, *Thomas Birch Reynardson*, *John Scott* Clerk, *William Shepherd*, *William Shuttlewood*, *John Simpson* of *Melton Mowbray*, *John Simpson* of *Brentingby*, *Thomas Simpson*, *Bernard Smith* Clerk, *Ayscough Smith*, *John Snow*, *Francis Stanhope*, *Stanhope*, *Edmund Stevens*, *Thomas Stowe*, *Isaac Taylor*, *William Pennington Thackray* Clerk, Sir *John Hayford Thorold* Baronet, *George Thorold* Clerk, *Michael Thorold* Clerk, *James Torkington*, *Leonard Elye Towne* Clerk, *William Tupman*, *John Frewin Turner*, *Baptist Noel Turner* Clerk, *George Turner* Clerk, *John Turner* Clerk, *Robert Turner*, *William Turner* Doctor of Medicine, *Edmund Turnor*, *Richard Vevers* Clerk, *Daniel Wagstaff* Clerk, *John Walker* Clerk, *David Wall*, *Chamberlain Webster*, *William Webster*, Sir *William Earle Welby* Baronet, *Glynne Earle Welby*, *Thomas Earle Welby*, *Montague Earle Welby* Clerk, *Charles Cope Earle Welby*, *Richard Earle Welby*, *John Earle Welby* Clerk, *John Whitchurch*, *Reuben Whitchurch*, *William Williamson* Clerk, *George Williamson*, *George Williamson* the younger, *Christopher Williamson*, *Thomas Wilson* Doctor of Medicine, *Wing*, *Vincent Wing*, *Thomas Wingfield* Clerk, *William Woodhall* Clerk, *George Woodcock* Clerk, *Simon Yorke*, and their Successors, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Road, and for otherwise carrying this Act into Execution.

Meetings of Trustees.

IV. And be it further enacted, That the said Trustees or any Three or more of them shall meet together on the Second *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the Sign of *The Peacock* in the Town of *Croxton Kerrial* aforesaid, and shall then and there proceed to carry into Execution this Act, and shall also yearly and every Year during the Continuance of this Act meet at some convenient Place at *Grantham* aforesaid, on the Third *Thursday* in the Month of *March*, and at some convenient Place in the Town of *Melton Mowbray* aforesaid, on the Second *Wednesday* in the Month of *July*; and that the General Annual Meeting of the Trustees required by the said recited Act passed in the Third Year of the Reign of His present Majesty to be held in the Months of *April*, *September* or *October*, shall be at the Sign of *The Peacock*, or some other convenient Place at the Town of *Croxton Kerrial* aforesaid; and the said Trustees shall and may at such Meetings, and from Time to Time afterwards, adjourn themselves to meet again at such Place or Places on or near to any Part of the said Road as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint for carrying this Act into Execution.

Power to appoint Five additional Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or Second Meeting to be held after the passing of this Act at *Croxton Kerrial* aforesaid, to elect and appoint any Number of Persons (not exceeding Five in the Whole), in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

VI. And

Trustees to take an Oath.

VI. And be it further enacted, That no Person hereby appointed or who shall hereafter be chosen or appointed a Trustee, shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act until he shall have taken and subscribed the Oath, or (being One of the People called *Quakers*) the Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say),

'I do swear (*or*, being one of the People called *Quakers*, 'I do solemnly affirm), That I will truly, faithfully, and impartially act 'in the Execution of the Trusts and Powers reposed in me by virtue of 'an Act of Parliament passed in the Fourth Year of the Reign of His 'Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title* 'of this Act.] So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me GOD.']

Provided always, that if any Person not having taken and subscribed the Oath, or being a Quaker not having made and subscribed the Affirmation herein-before mentioned shall nevertheless act as a Trustee in the Execution of this Act, or the said recited Act passed in the Third Year of the Reign of His present Majesty, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Trustee in the Execution of this Act: Provided nevertheless, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Trustee in the Execution of this Act, any thing in the said recited Act passed in the Third Year of the Reign of His present Majesty to the contrary thereof notwithstanding.

Mortgagees of Tolls not disqualified on that Account.

Appointment of Officers.

VII. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead, and every such Appointment shall be entered in the Book of the Proceedings of the Trustees; and the said Trustees shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, and other Persons employed or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable.

Trustees not to vote in the Removal or Election of Officers on the Day on which they qualify.

VIII. Provided always, and be it further enacted, That no Trustee, except His Majesty's Justices of the Peace, shall be capable of voting or acting in any Removal, Nomination, or Appointment of any Officer or Officers, upon Death or any other Vacancy, on the same Day on which he shall have taken and subscribed the Oaths required by this Act and the said recited Act passed in the Third Year of the Reign of His present Majesty, or either of them, to be taken and subscribed:

old Officers to continue until new Ones elected.

IX. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor and other Officer, other than the Treasurer or Treasurers, appointed under and by virtue of the said Acts hereby repealed, or either of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer and vice versâ.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or Person or Persons in the Service or Employ of any such Clerk or Clerks shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit 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 Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond, resign, or absent himself, or otherwise misbehave or misconduct himself, it shall and may be lawful for any Two or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver, and in such case to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees, or until removed by virtue of the Powers,

and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act; and if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or any of the Children or Family of any Collector or Receiver who shall be discharged, or who shall have absconded or absented himself, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building with the Appurtenances to be continued or erected or set up by virtue of this Act, for the Space of Two Days after Notice to quit shall have been left in Writing at such Toll House or Building signed by any Three or more of the said Trustees (although not assembled at a Meeting), then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace of the County, Division, District, Liberty, or Place wherein such Toll House or Buildings shall be situate, upon Application made by the said Trustees or by any Person by them appointed on their behalf, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any one of them, or their new appointed Officer into the Possession thereof.

Power to continue and erect Turnpikes, Toll-Gates, Weighing Machines, &c.

XII. And be it further enacted, That it shall be lawful to and for the said Trustees to continue the *Melton* Toll Gate, the *Braunston Lings* Toll Gate, the *Spittlegate* Toll Gate, and the Side Gate called the *Hassock Lane* Bar, and all and every of the Toll Houses and Weighing Machines now standing and being near to the said Toll Gates, or such of them as they shall think proper, and also to erect or set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road, or in, upon, or across the Entrance or within Two hundred Yards of the Entrance of any Road or Lane that doth or shall lead into or out of the said Road or any Part thereof, when and as they shall judge necessary (subject to the Restrictions and Directions herein-after contained concerning the same), any other Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and any Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden-plots for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, with such Lamp or Number of Lamps at or near such Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove or again to put up in a different Situation, or to alter and discontinue the present or any future Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and also any Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses with the Outbuildings thereunto belonging, or any of them, as the said Trustees shall think proper and direct or appoint: Provided always, that none of the said Toll Gates or Weighing Machines shall be removed or taken away as aforesaid, or any new Toll Gate erected or set

up,

up, unless Notice in Writing of the Intention to remove, erect, or set up the same respectively, shall have been affixed upon all the Toll Gates then standing upon and belonging to the said Road, and inserted in some public Newspaper or Newspapers printed or circulated in each of the Counties of *Leicester* and *Lincoln*, Fourteen Days at least previous to the Meeting at which the Order for Removal or new Erection as the Case may be, is intended to be made, and unless Three Trustees at the least shall sign the said Order at such Meeting.

Power to take Tolls.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses or Side Bars or Side Gates or Chains which are or is or shall be standing and being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, on every Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouch, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other Four or Two-wheeled Carriage, of the like kind, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like kind, the Sum of Sixpence:

For every Four-wheeled Carriage in any manner fixed to any Waggon, Wain, Cart, or other Carriage drawing, the Sum of One Shilling:

For every Two-wheel Carriage having any Person therein or being laden in any manner, fixed to any Waggon, Wain, Cart, or other Carriage drawing, the Sum of One Shilling:

For the same if unladen or empty, the Sum of Sixpence:

For every Pair of Mill Stones drawn by Five or more Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence:

For every Drug so constructed as that the Distance between the Axletrees thereof measured at the Ends shall be more than Nine Feet, and laden otherwise than with a single Piece of Timber, the Sum of One Shilling and Sixpence over and above the Toll or Duty payable for the Horses drawing the same:

For every Horse, Mule, or Ass, laden or unladen and not drawing, the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number:

Which said Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage whatsoever shall be permitted to pass through any Turnpike Gate, or Toll Gate, or Side Bar or Side Gate

Gate or Chain already erected and continued or to be erected and continued by virtue of this Act upon or across the said Road or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed: Provided always, that upon Payment of any of the Tolls granted or made payable by or by virtue of this Act the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Persons paying such Toll a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates, if any, which such Ticket shall free: Provided also, that the *Melton* Toll Bar and the Side Gate adjoining shall be Ticket Bars to each other, and that any Person having paid Toll at either of the said Gates shall pass free and not be liable to the Payment of Tolls at the other Gate on the same Day; and that the *Spittlegate* Bar and the *Hassock Lane* Bar shall be Ticket Bars to each other, and that any Person having paid Toll at either of the said Two last-mentioned Gates shall pass free and not be liable to the Payment of Tolls at the other Gate on the same Day.

Tickets to be printed.

XIV. Provided always, and be it further enacted, That notwithstanding the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, no Toll shall be demanded or taken for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or having been employed only in carrying or conveying on the same Day, any Lime for improving Lands.

Lime used in improving Lands, &c. exempt from Tolls.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the said Toll Gates continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage (except Horses or other Beasts of Draught drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage, or any Post Chaise or other such like Carriage let out to hire when any new Hiring thereof shall be made), shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and on such Ticket shall be named and specified the Gate at which the same shall have been paid, and also the Gate and Gates (if any) freed by the Payment of such Toll), be permitted to pass Toll free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but Once a Day.

XVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Three full Tolls to be demanded or taken for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages, or other Thing or Things through all the several Turnpike or Toll Gates now erected or to be erected on the said Road.

No more than Three full Tolls to be paid on the Road.

Stage Coaches and Post Chaises to pay every Time.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Road, and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road, upon every Time of a new Hiring of such Post Chaise or other Carriage, on a Ticket being produced denoting a fresh Hiring.

No Person to exercise Three Horses at Once, having one on each Side of him.

XVIII. And be it further enacted, That any Person who shall exercise Three Horses at the same Time upon any Part of the said Turnpike Road, by riding one of them and leading the others, one on each Side of him, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings.

Former Debts, &c. vested in new Trustees.

XIX. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property real or personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the said Trustees under the said former Acts or either of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents or other Monies so due to the said Trustees under the said recited Acts as aforesaid, or either of them, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and that all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Deeds under former Acts to be valid.

XX. Provided always, and be it further enacted, That all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Acts or either of them, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said recited Acts had remained unrepealed.

Books of Proceedings made Evidence.

XXI. And be it further enacted, That all and every the Books and Book of Proceedings which may have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and also the Book or Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

XXII. And

Where old Securities are lost new ones may be executed.

XXII. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees, for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments; and it is reasonable that in cases where it can be proved to the Satisfaction of the Trustees that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts or either of them, although they cannot produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed, for securing the Repayment of the Money now due on the Credit of the said Acts or the Tolls thereby granted; be it therefore further enacted, That in any case where it shall appear by the Books kept by the Clerk or Treasurer to the said Trustees for executing this Act, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Acts hereby repealed or either of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees or any Three or more of them to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer, and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Appropriation Fund.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, when and as they shall judge necessary, to set apart such annual Sum as they shall think proper (such Sum not being less than Twenty Pounds) during the Continuance of this Act, to be appropriated and paid out of the Tolls to arise at the several Toll Gates on the said Road, towards the gradual Payment of the Principal Sum or Sums of Money already or hereafter to be borrowed, in such Manner as the said Trustees shall from Time to Time think proper and expedient.

Application of Tolls and other Monies.

XXIV. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts or either of them, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first Place pay and discharge all the Expences and Costs relative to the procuring and passing of this Act, and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses and Weighing Machines, and in amending, widening, altering, and improving the said Road and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Monies by this Act charged or to be borrowed and the Interest due or to grow due thereon.

Directing how Costs and Damages are to be recovered.

XXV. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of the said recited Act passed in the Third Year of the Reign of His present

sent Majesty or of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justices, from any Clerk to the said Trustees or their Treasurer in pursuance of the Directions or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty or of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be; and such Treasurer shall and he is hereby authorized to retain, out of the first Monies which shall come to his Hands by virtue of this Act, the Amount of such Costs and Expences so paid by him as aforesaid.

Statute Labour how to be regulated and enforced.

XXVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road by this Act authorized to be repaired or any Part or Parts thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Leicester*, and for the Parts of *Kesteven* and for the *Soke* of *Grantham* in the County of *Lincoln*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Road by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers, Surveyor or Surveyors; and in order thereunto, the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division, or Place shall, on an Order in Writing made by the said Justices on an Application to them by the said Trustees or any Three or more of them, or by their Clerk or Surveyor,

Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who, within such Parish, Township, Tithing, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and the said Turnpike Surveyor having received such Lists, shall within Five Days afterwards give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices in order to apportion the said Statute Duty, and at the Time appointed in and by such Notice the said Lists shall be laid before the Justices by the said Turnpike Surveyor in the Presence of the said Surveyor of the Highways if he shall attend, and out of such Lists the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and on such Part or Parts, of the said Road, as the said Trustees or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, for the Time being, to pay over to the said Trustees or their Treasurer or Treasurers, Surveyor or Surveyors, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person so coming to work or sending such Labourer as aforesaid shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught, Horse or Beast, had not been sent to work on any Part of the said Road; and

in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Road lies, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees and applied towards amending the said Road; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Leicester*, and the Parts of *Kesteven* and the *Soke* of *Grantham* in the County of *Lincoln*, within their respective Jurisdictions, on Complaint made to such Justices by the Surveyor of the said Trustees.

Public Act.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of the Act.

XXVIII. And be it further enacted, That this Act shall commence on the Second *Thursday* next after the passing hereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

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