ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. lvi.

An Act for repairing the Road from the *High Bridge* in *Spalding* to *Tydd Goat* in the County of *Lincoln*, and other Roads in the same County.

[28th *May* 1827.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Roads from* 4 G. 3. c.53.
the High Bridge *in* Spalding *to a certain Place called* Tydd Goat *in the County of* Lincoln, *and from* Sutton Saint Mary's *to* Sutton Wash *in the said County:* And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Fourth* 25 G.3. c.123.
Year of His present Majesty's Reign, for repairing and widening the Roads from the High Bridge *in* Spalding *to a certain Place called* Tydd Goat *in the County of* Lincoln, *and from* Sutton Saint Mary's *to* Sutton Wash *in the said County:* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and enlarge the Powers of Two Acts* 46 G. 3. c.51.
passed in the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening the Roads from the High Bridge *in* Spalding *to a certain Place called* Tydd Goat *in the County of* Lincoln, *and from* Sutton Saint Mary's *to* Sutton Wash *in the said County:* And whereas the Trustees appointed in or by virtue of the said Acts have

proceeded in the Execution thereof, and have from Time to Time borrowed several Sums of Money on the Credit of the Tolls authorized to be collected on the said Roads, which Sums still remain due and owing; and the said Roads cannot be effectually amended and kept in repair, nor can the Money so remaining due and owing be repaid, unless the Terms and Powers of the said Acts be enlarged and the Tolls increased: And whereas an Act was passed in the
3 G. 4. c. 126. Third 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 another Act was passed in the Fourth Year of the Reign of His present
4 G. 4. c. 95. Majesty, 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: And whereas another Act was passed
5 G. 4. c. 69. in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas a certain Highway or public Carriage Road called *The Low Road*, leading from the *High Bridge* in *Spalding* aforesaid unto the Eastern Extremity of a certain Highway called *Alston* or *Austen Dyke* in the Parish of *Moulton* in the said County, and terminating at another Highway called *Moulton Hall Gate* in the same Parish, is narrow and inconvenient, and cannot be effectually improved and kept in repair by the ordinary Course of Law; and it would be beneficial to the Public if the same were made Turnpike, and put under the Care of the Trustees for the Management of the before-mentioned Roads: And whereas it would facilitate the Execution of the Purposes aforesaid if the said first Three recited Acts were repealed, and if the Powers thereby given, and further and other Powers and Provisions, for repairing and maintaining the said several Roads, were granted and comprised in One Act: 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 Third *Monday* next after the passing of this Act, the said recited Acts passed in the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby severally 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 Roads leading from the *High Bridge* in *Spalding* in the County of *Lincoln*, through the several Parishes and Townships, Hamlets and Places of *Spalding*, *Weston*, *Moulton*, *Whaplode*, *Holbeach*, *Fleet*, *Gedney*, *Sutton Saint Nicholas* otherwise *Lutton*, *Sutton Saint Mary*, *Sutton Saint James*, *Sutton Saint Edmund's*, and *Tydd Saint Mary*, in the said County, to a certain Place called *Tydd Goat* in the said Parish of *Tydd Saint Mary*, and from *Sutton Saint Mary* aforesaid to the *Wash* called *Sutton Wash* in the said County; and also for the Purpose of making Turnpike, and widening and improving, repairing and maintaining, a certain Highway or public Carriage Road called

Recited Acts of 4, 25, and 46 G. 3. repealed, and this Act to take effect.

The

The Low Road leading from the said *High Bridge* in *Spalding*, through the Parishes of *Spalding*, *Weston*, and *Moulton* aforesaid, unto the Eastern Extremity of a certain Highway called *Alston* or *Austen Dyke* in the Parish of *Moulton* aforesaid, and terminating at another Highway called *Moulton Hall Gate* in the same Parish.

New Term and Tolls made liable to former Debts.

II. And be it further enacted, That 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 upon the Credit or on Account of the said first Three recited Acts or any of them, by virtue of the Powers of the same Acts and of the said recited Act of the Fourth Year of the Reign of His present Majesty, and now due and owing or secured upon or made payable out of the Tolls thereby authorized to be taken, and of all Interest due and to grow due on such Monies, 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 of the Tolls hereby authorized to be collected.

Powers of 3, 4, & 5 G. 4. to extend to this Act.

III. 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, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Former Debts, &c. vested in new Trustees.

IV. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and all Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the Trustees under the said first Three recited Acts or any 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 such Acts or any of them, by virtue of any Deed or Specialty, shall and 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

this Act; and 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 received 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.

Former Books to be Evidence.

V. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Acts hereby repealed, or any of them, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, 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.

Bonds, Contracts, &c. to be in Force.

VI. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said recited Acts hereby repealed or any of them, with or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said Acts or any of them, shall 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 Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

Where old Securities are lost, others may be executed.

VII. And whereas divers Creditors on the Roads made Turnpike by the Acts hereby repealed 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 or some or one of them, 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 for executing this Act, that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said Acts hereby repealed or any of them, although such Person may not be able to produce the Mortgage Security for the same, that another Assignment of the Tolls hereby granted should be executed for securing the Repayment of the Money due to such Person and Persons on the Credit of the said Acts or the Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by any satisfactory Evidence adduced at any Meeting of the Trustees acting in the Execution of this Act, 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 any 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

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.

Appointment of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Division of *Holland* in the County of *Lincoln* for the Time being, together with *James Aldgate*, *Redmore Allenby*, *Richard Anderson*, *William Anderson*, *Henry Anderson*, *John Bailey*, *William Baines*, *Joseph Barker*, *Joseph Chamberlain Barker*, *Charles Barker*, *Robert Bellamy*, *John Ancell Bellamy*, *Thomas Leigh Bennett* Clerk, *John William Benson*, *Charles Bonner*, *John Matthews Bothamley*, *William Bothamley*, *William Boulding*, *Francis Buckle*, *Henry Bugg*, *John Bugg*, *John Richard Carter*, *John Carter*, *John Cartwright*, *Thomas Cartwright*, *Matthew Clarke*, *Thomas Clarke*, *George Clarke*, *George Clarke* the younger, *James Clarke*, *John Clarke*, *John Codling*, *John Codling* the younger, *John Collins*, *John Cooley*, *Philip Copeman*, *Richard Delamore*, *Thomas Derry*, *Samuel Dinham*, *Richard Dods* Clerk, *John Dolton*, *William Duckett*, *George Maxwell Edmonds*, *Samuel Edwards*, *Samuel Everard*, *Henry Everard*, *Robert Everard*, *John Ewen*, *John Facon*, *Cotman Fields*, *Robert Fisher*, *John Gibbons*, *Edward Goddard*, *William Goodson*, *William Grasley*, *William Kime Grasley*, *Charles Green*, *Everson Harrisson*, *Robert Harrisson*, *Alfred Harrisson*, *Frederick Adolphus Harrison*, *Richard Heald* Doctor of Physic, *Charles Higdon*, *Francis Higdon*, *Robert Boothby Hoff*, *Thomas Holliday*, *Francis Holliday*, *Seth Holliday*, *William Hooton*, *Adderley Howard*, *Charles Hursthouse*, *John Hutchinson*, *Proctor Hutchinson*, *Hugh Jackson*, *Walter Maurice Johnson* Clerk, *Theophilus Fairfax Johnson*, *John Johnson*, *Tyrer Johnson*, *William Kilham*, *Robert King*, *James Longbottom*, *Edward Maltby* Doctor in Divinity, *Thomas Maples*, *George Miller*, *Robert Millington*, *Charles Moore* Clerk, *Russell Mumby*, *John Mumby*, *Richard Mumby* the younger, *William Needham*, *Henry James Nicholls*, *Nicholas North*, *James Oliver*, *Ashley Palmer*, *Richard Peele*, *John Peele*, *Thomas Peele*, *John Phipps*, *William Piggins*, *George Prest*, *Thomas Pulvertoft*, *John Read*, *Thomas Savage* the younger, *John Pearson Savage*, *James Sers*, *Thomas Sharpe*, *Richard Simpson*, *William Skelton*, *John Skelton*, *William Slator*, *James Slator*, *William Stanger*, *William Stanger* the younger, *John Stanger*, *Clement Strong* Clerk, *John Tatam*, *William Taylor*, *Matthew Taylor*, *William Pears Thimbleby*, *William Thomas*, *Henry Tinsley*, *William Tinsley*, *William Townsend*, *Samuel Calthrop Tyrer*, *Edward Blythe Vise*, *James Walker*, *William Wallis*, *William Whitelock* Clerk, *James Wilkins*, *Robert Everitt Wilkinson*, *Gervas Willders*, *John Waring Willders*, *William Wrout*, *Robert Wrout*, *Frederick Wrout*, *Henry Wrout*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Meetings of Trustees.

IX. And be it further enacted, That the said Trustees shall meet together on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, at the *Chequers Inn*, or at some other convenient Place in the Town of *Holbeach* aforesaid, and shall then and there proceed to carry this Act into Execution; and shall and may then and from Time to Time afterwards adjourn to and meet at the same or some other convenient Place in the said Town, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

Appointment of Officers.

X. 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 Roads, or 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 said 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, for their Services in or about the carrying of this Act into Execution, as the said Trustees shall think reasonable.

Old Officers (except the Treasurer) to continue until removed by Trustees.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, save and except the Treasurer, appointed under and by virtue of the said Acts hereby repealed or any 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.

XII. 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 or Partners 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, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint the 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, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks of the said Trustees; and

and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners 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 or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of 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 One hundred Pounds to any Person or Persons 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, and not more than One Imparlance, shall be allowed.

Power to continue and erect Toll Houses, Gates, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all the present Toll Houses, Toll Gates, Turnpikes, Side Bars, and Chains, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Roads or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary and expedient, any other Toll Houses, Toll Gates, Turnpikes, Side Bars, or Chains, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll House, Toll Gate, Turnpike, Side Bar, or Chain, and to inclose on the Sides of the said Roads suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses respectively; and from Time to Time to take down and remove or alter or discontinue the said Toll Houses, Toll Gates, Turnpikes, Side Bars, and Chains and Gardens, or any of them, as the said Trustees shall from Time to Time think proper and expedient.

Power to take Tolls.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, 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 Once on every Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, at the several and respective Turnpikes, Toll Gates, or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be erected or continued by virtue of this Act in, upon, across, or on the Side or Sides of the present Turnpike Roads which lead from the *High Bridge* in *Spalding* aforesaid unto *Sutton Wash* aforesaid, and from the said *High Bridge* unto *Tydd Goat* aforesaid, the several Tolls following; that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Calash, Chair, Chaise, Curricle, Gig, Whiskey, Sociable, Cartee, Caravan, Hearse, Litter, Break, or other such like Carriage, the Sum of Sixpence:

For

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

For every Horse 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 Soles thereof, the Sum of Four-pence:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence; and so in proportion for any greater or less Number:

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

And at the several and respective Turnpikes and Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains which shall or may be erected or continued by virtue of this Act in, upon, or across, or on the Side or Sides of the said Road called *The Low Road*, which leads from the *High Bridge* in *Spalding* aforesaid unto *Moulton Hall Gate* aforesaid, the several Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Calash, Chair, Chaise, Curricle, Gig, Whiskey, Sociable, Cartee, Caravan, Hearse, Litter, Break, or other such like Carriage, where the Number so drawing shall be Six, the Sum of Four-pence; and where the Number so drawing shall be Five, Four, Three, or Two, the Sum of Four-pence Halfpenny; and where the Number so drawing shall be One only, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of less Breadth than Six Inches in the Fellies or Soles thereof, the Sum of Four-pence Halfpenny:

For every Horse 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 Soles thereof, the Sum of Three-pence:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence; and so in proportion for any greater or less Number:

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

Provided always, that where any Waggon with Double Shafts shall be drawn by Horses or Beasts abreast, there shall be paid for every such Horse or Beast so drawing such Waggon Three-pence only, in lieu and instead of the Toll hereby made payable for every such Horse or other Beast in case such Waggon had been drawn with Single Shafts:

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate, or Chain respectively as aforesaid; 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 directed.

Tolls to be paid but Once a Day.

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, Toll Bars, Side Gates, Side Bars, or Chains to be erected or continued by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, on 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 whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates (if any) wholly or partially freed by the Payment of such Toll), be permitted to pass Toll-free through the same Toll Gate, Toll Bar, Side Gate, Side Bar, or Chain, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall wholly or partially free, at any Time or Times during the same Day, to be computed as aforesaid.

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

XVI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads, 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 or repassing along the said Roads, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Limiting the Number of Tolls.

XVII. Provided always, and be it further enacted, That no more than One Payment of full Toll shall be taken on the same Day for the Passage of the same Horse or Horses, Carriage or Carriages, Beasts, Sheep, Swine, or Cattle through all the Gates, Bars, or Chains erected or to be erected or continued on the present Turnpike Road between the said *High Bridge* in *Spalding* and the Town of *Holbeach*, or on the Side or Sides thereof; and no more than Two Payments of full Toll on the same Day for the Passage of the same Horse or Horses, Carriage or Carriages, Beasts, Sheep, Swine, or Cattle through all the Gates, Bars, or Chains erected or to be erected or continued on the same Road between the said Town of *Holbeach* and the Southern Extremity of the said Parish of *Tydd Saint Mary* at or near to the said Place called *Tydd Goat*, or on the Side or Sides thereof; and no more than Two Payments of full Toll on the same Day for the Passage of the same Horse or Horses, Carriage or Carriages, Beasts, Sheep, Swine, or Cattle through all the Gates, Bars, or Chains erected or to be erected or continued on the said Road between the said

Town of *Holbeach* and *Sutton Wash* aforesaid, or on the Side or Sides thereof; and no more than One Payment of full Toll shall be taken on the same Day for the Passage of the same Horse or Horses, Carriage or Carriages, Beasts, Sheep, Swine, or Cattle through all the Gates, Bars, or Chains to be erected on the said *Low Road*, or on the Side or Sides thereof.

A Gate to be placed on each Road.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby required to erect, set up, continue, and keep in repair, during the Continuance of this Act, One Toll Gate or Bar at the least upon and across some Part of each of the Roads hereby authorized to be repaired, and to demand and take at such Toll Gate or Bars respectively the several Tolls hereby made payable; and no Money to arise from any of the Tolls hereby authorized to be collected and taken shall be applied to the Repair of any Road upon which there shall not be a Toll Gate or Bar erected or put up and continued under the Authority of the Trustees for carrying this Act into Execution.

Application of Tolls and otherMonies.

XIX. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said Acts hereby repealed or any 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 all Monies advanced or borrowed from Time to Time for that Purpose, with lawful Interest for the same; and the Remainder of such Monies shall from Time to Time be applied in erecting and repairing Toll Houses, Toll Bars, Side Gates, Side Bars, Chains, and Weighing Machines, and in amending, widening, altering, and improving the said Roads, 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.

As to present Leases of Tolls.

XX. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Roads made Turnpike by the said Acts hereby repealed, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessees Part, shall respectively continue in force until the respective monthly Days on which the Rents therein respectively reserved shall become payable and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time (save as to the Obligations, Covenants, and Agreements for Payment of Rent and Performance of the Covenants in such Leases, Bonds, or Securities on the respective Lessees or Obligors Part to be observed and performed during the Continuance of such Leases, Bonds, or Securities, by virtue of this Act); and until such Determination of such Leases respectively, the respective Lessees thereof shall be

 entitled

entitled to collect and receive on the said Roads, from the Commencement of this Act, the respective Tolls by this Act granted and made payable.

Compensation to Lessees, &c. may be recovered by Action.

XXI. And be it further enacted, That in case any of the Lessees of the said Tolls shall claim to be entitled to any Compensation or Satisfaction for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Exemptions.

XXII. And be it further enacted, That no Toll shall be demanded or taken of or from the Occupiers of any Lands, or their Servants, going to or from their respective Lands on the Business only of looking after such Lands or the Stock upon the same; or for any Horse or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry, in order for the repairing thereof or using the same in Husbandry; or for any Horses, Cattle, Sheep, Swine, or Hogs going to or passing from Water or Pasture; or for any Sheep going to or returning from any Wash, Dyke, River, or other Place used for the washing of Sheep; or for any Sheep going to or returning from any Place used for the clipping of Sheep; provided that such Occupiers or their Servants, or such Horses, Cattle, Sheep, Swine, or Hogs, or any of them, do not, in going or returning, travel or pass more than Two Miles upon the said Turnpike Roads.

Persons having paid Toll on the Low Road may pass on the present Turnpike on Payment of the Difference.

XXIII. Provided also, and be it further enacted, That where any Person or Persons shall have paid the Toll hereby authorized to be taken on the said *Low Road*, and shall afterwards on the same Day travel or pass on the present Turnpike Road between the said *High Bridge* in *Spalding* and the said Town of *Holbeach*, with the same Horses, Beasts, Cattle, or Carriages in respect of which Toll shall have been so paid on the said *Low Road*, it shall be lawful for such Person or Persons, on producing a Ticket denoting such Payment, to pass through all the Toll Gates, Toll Bars, Side Bars, and Chains erected or to be erected or continued between the said *High Bridge* in *Spalding* and the said Town of *Holbeach* upon the said Turnpike Road, upon Payment at any One of the said last-mentioned Gates, Bars, or Chains, of the Difference only of the Tolls hereby authorized to be taken on the said respective Roads.

Reservations of Rights of Persons entitled to private Tolls.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall prejudice, defeat, or interrupt the Right or Claim of any Person or Persons, Bodies Politic or Corporate, to any such Tolls or Duties as have been lawfully taken upon any Part of the said Roads; and it shall be lawful for the said Trustees to make any Composition or Agreement with the Person or Persons, Bodies Politic or Corporate, entitled to any such Tolls or Duties, for his or their yearly or other Interest of and to such Tolls or Duties respectively, or to purchase the same, and to pay such Rents, Composition, or Purchase Monies respectively out of the Monies to arise by the Tolls to be received by virtue of this Act.

XXV. And

Gravel to be laid on the Low Road within One Year.

XXV. And be it further enacted, That the said Trustees shall and they are hereby required to cause the First Coat or Floor of Shingle or Gravel to be laid upon the said *Low Road* within One Year from and after the Commencement of this Act.

Power of Court of Sewers reserved.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to prejudice, lessen, or in any Way defeat the Power of the Court of Sewers over such Drains and Works as have been heretofore subject to the Laws of the said Court, other than and except the Powers hereby given to the said Trustees for enlarging any Bridges, Drains, or Arches in or across any Part of the Roads hereby directed to be repaired.

Powers of Undertakers of Deeping Fens reserved.

XXVII. Provided always, and be it further enacted, That this Act or any thing herein contained shall not extend or be construed to extend to empower the Trustees appointed for putting this Act in execution to have, use, or exercise any Power or Authority over or to intermeddle with any of the Banks, Sewers, Drains, or Works already made or hereafter to be made by the Undertakers for the draining of the Fen called *Deeping Fen*, by virtue of an Act passed in the Sixteenth and Seventeenth Years of the Reign of the late King *Charles* the Second, and of another Act passed in the Twenty-second Year of the Reign of the said King, the one intituled *An Act for the draining of the Fen called* Deeping Fen *and other Fens therein mentioned*, and the other intituled *An Act for settling the draining of the Fens in* Lincolnshire *called* Deeping Fens, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the said Undertakers to set down Sluices or Tunnels in any Bank or Road to be made by the said Trustees, or any other Power or Authority vested in the said Undertakers; but that all Rights, Powers, and Authorities whatsoever which by virtue of the said Acts passed in the Sixteenth and Seventeenth and in the Twenty-second Years of the Reign of the said King *Charles* the Second, or any other Act or Statute whatsoever, or otherwise, now are vested in the said Undertakers or any of them, shall for ever hereafter remain, continue, and be in the Undertakers for draining the said Fens called *Deeping Fens*, and other the Fens thereto belonging and adjoining, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been passed.

Application of Compensation Money if amounting to 200*l.*

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act passed in the Third Year of the Reign of His present Majesty, for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Act mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign

Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any other Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined, and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made. 1 G. 4. c. 35.

Where less than 200*l.* and exceeding 20*l.*

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed;

directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where not more than 20*l.*

XXX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last-before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of disputed Titles to Land.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles to Money.

XXXII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid in certain Cases

XXXIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act passed in the Third Year of the Reign of His present Majesty, for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said last-mentioned Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXIV. 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 this Act.

XXXV. And be it further enacted, That this Act shall commence on the Third *Monday* next after the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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