

AN

ACT

For repairing and maintaining the Roads leading from *Spalding High Bridge* through *Littleworth*, and by *Frognall* to *James Deeping Stone Bridge*, in the County of *Lincoln*, and thence to *Maxey Outgang* in the County of *Northampton* adjoining the high Road there.

[ROYAL ASSENT, APRIL 19, 1821].

WHEREAS an Act was passed in the thirtieth year of the reign of King *George the Second*, intituled “An Act for repairing and widening the Roads leading from *Spalding High Bridge* through *Littleworth*, and by *Frognall* and over *James Deeping Stone Bridge* in the County of *Lincoln* to *Maxey Outgang* in the County of *Northampton* adjoining to the high Road there:”

Preamble.
30 Geo. II.
c. 68.

And whereas another Act was passed in the fifth year of the reign of his late Majesty King *George the Third*, intituled “An Act to continue the Term and render more effectual an Act passed in the thirtieth Year of the Reign of his late Majesty, for repairing and widening the Roads leading from *Spalding High Bridge* through *Littleworth* and by *Frognall* and over *James Deeping Stone Bridge* in the County of *Lincoln* to *Maxey Outgang* in the County of *Northampton* adjoining to the high Road there:”

5 Geo. III.
c. 106.

39 40 Geo.
III. c. 72.

And whereas another Act was passed in the thirty-ninth and fortieth years of the reign of his said late Majesty King *George* the Third, intituled "An Act to continue for twenty-one Years and from thence " to the end of the then next Session of Parliament the Term, and " alter and enlarge the Powers of two Acts passed in the thirtieth Year " of the Reign of his late Majesty King *George* the Second, and in the " fifth Year of the Reign of his present Majesty, for repairing and wi- " dening the Roads leading from *Spalding High Bridge* through *Littleworth* and by *Frognall* and over *James Deeping Stone Bridge* in " the County of *Lincoln*, to *Maxey Outgang* in the County of *Northampton* adjoining to the high Road there :"

And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the execution thereof, and have borrowed at interest several considerable sums of money on the credit of the tolls authorized to be collected upon the said roads, and which money still remains due and owing, and the terms granted and continued by the said Acts are near expiring :

And whereas the said Roads cannot be effectually amended and kept in repair, nor can the money so borrowed be repaid, unless the terms and powers of the said Acts are enlarged and the tolls increased :

And whereas it will facilitate the execution of the purposes aforesaid if the said Acts were repealed, and if such of the powers and provisions of the said Acts as shall be continued or amended were consolidated and comprized in one Act, and if further powers and provisions were granted and made :

May it therefore please Your MAJESTY,

That it may be enacted, and be it enacted by the KING's Most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That the said recited Acts passed in the thirtieth year of the reign of King *George* the Second, and in the fifth and thirty-ninth and fortieth years of the reign of his late Majesty King *George* the Third, shall be and the same are hereby repealed, and this Act shall commence and take effect and be put in execution for and during the term hereinafter mentioned, for the purpose of repairing amending al-

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tering improving and maintaining in repair the present turnpike roads from *Spalding High Bridge* through *Littleworth* and by *Frognall* and over *James Deeping Stone Bridge* in the county of *Lincoln* to *Maxey Outgang* in the county of *Northampton* adjoining to the high road there, and this Act and the tolls hereby granted shall be and the same are hereby made subject and liable to the payment of all monies which are now due and owing on the credit of the tolls authorized to be taken by the said Acts or any of them on the said roads, 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 of the tolls hereby authorized to be collected.

And be it further enacted, That *Rowland Withers Albin, William Bailey, Charles Bonner, Henry Boulton, Henry Bugg, William Butt, The Right Honorable George Canning, John Richard Carter, Charles Chaplin, Benjamin Cheales, Henry Clarke, Thomas Congreve, George Denshire, William Dods, Samuel Dinham, The Honorable Eardley, Stephen Eaton, George Maxwell Edmonds, George Emmitt, William Fitzhugh, William Forbes, Thomas Foster, William Frankish, Henry Gee, Richard Gleed, William Golding, William Goodale, Samuel Greaves, Robert Holdich Green, Charles Green the Younger, Samuel Greaves Harvey, Henry Hawkes, Henry Hawkes the Younger, Richard Heald, William Hobson, Robert Holdich, The Reverend Maurice Johnson Doctor in Divinity, Theophilus Fairfax Johnson, The Reverend Walter Maurice Johnson, George Johnson, William Johnson, Thomas Maples, Joseph Mawbey, William Massey, William Anderson Massey, James Measure, John Kitchen Miller, John Molecey, The Reverend William Moore, The Reverend Charles Moore, The Reverend Joseph Monkhouse, The Reverend John Mossop, Charles Odlin, Rodgers Parker, Robert Parr, The Honorable Charles Anderson Pelham, William Essington Prockter, Thomas Pulvertoft, Thomas Rosbe, Thomas Seawell, Francis Scotney, Samuel Sharpe, The Honorable Robert Smith, Thomas Smith, John Tatam, Sir John Trollope Baronet, The Reverend Thomas Heardson Wayet Doctor in Divinity, Sir Thomas Williams Baronet, William Wright, and all his Majesty's Justices of the Peace acting for the *Kesteven* and *Holland* Divisions of the County of *Lincoln*, or either of them, and their successors to be elected as hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing amending altering improving and keeping in repair the said roads and for otherwise putting this Act in execution.*

Appoint-
ment of
Trustees.

And

Power to ap-
point addi-
tional Trus-
tees.

And be it further enacted, That it shall and may be lawful for the said Trustees or any five or more of them and they are hereby authorized and empowered at any of their meetings to be holden in pursuance of this Act, to elect any number of persons not exceeding ten in the whole to be Trustees for the purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified as hereinafter mentioned shall be and are hereby invested with the same powers and authorities for executing this Act as if they had been herein named.

On death or
refusal to
act, other
Trustees to
be chosen.

And be it further enacted, That when and so often as any of the Trustees hereby named and appointed or to be appointed by virtue of this Act shall die or become disqualified or by writing under his hand delivered to the clerk to the Trustees refuse to act, it shall be lawful for the surviving or remaining Trustees or any five or more of them to elect and appoint some other person to be a Trustee in the room of every Trustee so dying or becoming disqualified or refusing to act, and notice of the time and place of meeting for every such election shall be given by any two or more of the said Trustees or by the clerk to the said Trustees, by inserting such notice in the *Lincoln, Rutland and Stamford Mercury* or in some other newspaper circulated in the said county of *Lincoln*, and by affixing the same on all and every the turnpike-gates erected on the said roads at least seven days previous to every such meeting; and all and every person and persons who shall be so elected and appointed shall immediately upon such election and appointment be a Trustee for the purposes of this Act; and having taken the oath hereby prescribed shall be vested with the same powers and authorities for carrying this Act into execution as any Trustee or Trustees hereby nominated and appointed is or are vested with.

Qualifica-
tion of Trus-
tees.

Provided always and be it further enacted, That no person shall be capable of acting as a Trustee in the execution of this Act, (except in administering the oath of qualification hereinafter mentioned) unless he shall at the time of his acting be in his own right or in the right of his wife in the actual possession and enjoyment of or in receipt of rents and profits issuing out of freehold or copyhold lands tenements or hereditaments of the clear yearly value of one hundred pounds above reprises, or shall be heir apparent of a person seised of a real estate in freehold or copyhold lands tenements or hereditaments of the clear yearly value of two hundred pounds or be possessed of a personal estate alone, or real and personal estate together to the amount of

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four thousand pounds, nor until he shall have taken and subscribed before any two or more of the said Trustees an oath or affirmation in the following form of words, and which oath or affirmation the said Trustees or any one of them at any of their meetings held in pursuance of this Act are and is hereby authorized to administer: (that is to say,)

" I do swear, (or being one of the people called
" *Quakers* do solemnly affirm) That I am truly and *bonâ fide*
" in my own right (or in the right of my wife) in the actual pos-
" session and enjoyment of, or in the receipt of rents and pro-
" fits issuing out of freehold or copyhold lands tenements or
" hereditaments of the clear yearly value of one hundred pounds
" above reprises, or am heir apparent of who to the
" best of my knowledge is seised of a real estate in freehold or
" copyhold lands tenements or hereditaments of the clear yearly
" value of two hundred pounds or am possessed of a personal
" estate alone or real and personal estate together of the value
" of four thousand pounds (as the case may be.)
" So help me *GOD*."

(Or being a Quaker omit the words " So help me *GOD*.")

Nor shall any person be capable of acting as Trustee in the execution of this Act, in any case wherein he shall be personally interested other than as a creditor, nor while he holds any place of profit under this Act, or who shall sell any ale beer or wine or spirituous liquors by retail or who shall be interested or concerned in any contract or contracts, or who shall be lessee or farmer of the tolls or of any part or parts thereof under this Act; and if any person not being qualified as aforesaid, or being disqualified by any of the causes aforesaid, or not having taken and subscribed the oath as herein mentioned, or being a Quaker, not having made and subscribed the affirmation as herein mentioned, shall nevertheless act as a Trustee in the execution of this Act, every person shall for every such offence forfeit and pay the sum of fifty pounds to any person or persons who shall sue for the same to be recovered in any of his Majesty's Courts of Record at *Westminster* by action of debt or on the case or by bill plaint suit or information, wherein no essoign protection or wager of law nor 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 hath acted as a Trustee in the

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execution

Acts of un-qualified Trustees before conviction to be valid. execution of this Act: Provided nevertheless, that such acts and proceedings as shall have been done and performed by any such person touching the execution of this Act, previous to his being convicted of any such offence, shall notwithstanding such conviction be as valid and effectual as if such person had been qualified according to the directions of this Act: Provided always, that no mortgagee or assignee of any mortgage or other security or any lender of money upon the credit of the tolls granted by this Act, or receiving interest thereout for the same shall on that account be deemed unqualified to act as a Trustee in the execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the commission of the peace for the *Kesteven* and *Holland* divisions of the county of *Lincoln* or either of them, or for the county of *Northampton*, shall not by reason of being such Trustees be deemed disqualified from acting as justices of the peace in the execution of this Act, except only in such cases where they shall be personally interested.

Meetings of Trustees. And be it further enacted, That the Trustees for executing this Act or any five or more of them shall meet together at the Town Hall, in *Spalding* on the third *Thursday* after the commencement of this Act or as soon after as conveniently may be, and proceed in the execution of this Act, and shall then and from time to time afterwards adjourn to and meet at such times and at such place or places upon or near the said roads as they shall think proper, and two Trustees present at any meeting shall be sufficient to adjourn the same; and if a competent number of Trustees shall not be present at any meeting to act or adjourn, or in case the Trustees present at any meeting shall omit to adjourn the same, then and in every such case the clerk to the Trustees shall adjourn the meeting to the place where the last meeting was appointed to have been held or was held (as the case may be), and to such time as he shall think fit, not being more than sixty days nor sooner than seven days from the last meeting or last intended meeting, and shall give at least five clear days notice of such adjourned meeting in such newspaper as aforesaid, and also on all and every the turnpike-gates on the said roads; and in case no adjournment shall be made or notice or appointment shall be given as aforesaid, then it shall or may be lawful for the clerk to the said Trustees or for any three or more of such Trustees, although not assembled at a meeting, to cause at least six clear days notice to be inserted in such newspaper as aforesaid, and also on all and every the turnpike-gates on the said roads, appointing the Trustees to meet at such time and place upon or near the same roads, as the said clerk or the said Trustees respectively

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giving such notice shall think proper, not exceeding one calendar month, nor sooner than six days from the time of advertizing such meeting; and the said Trustees shall at their several meetings pay their own expences; and all meetings of the Trustees in the execution of this Act, shall be held between the hours of ten of the clock in the forenoon and six of the clock in the afternoon; and all acts orders proceedings and determinations of the Trustees in the execution of this Act, shall be made at meetings consisting of five or more Trustees, to be held in pursuance of this Act, and not otherwise (except in cases hereby particularly provided for), and all such acts orders proceedings and determinations in which the major part of such five or more of the Trustees present at any such meeting shall concur, shall be as valid and effectual as if all the Trustees had been present at any such meeting, and had concurred therein, and at all such meetings a chairman shall or may be appointed, and in all cases where there shall be an equality of votes upon any question (including the vote of the chairman), such chairman shall have the decisive or casting vote.

And be it further enacted, That no order resolution determination or proceeding of the Trustees made and signed according to the directions of this Act shall afterwards be altered revoked repealed or set aside by any subsequent act order resolution determination or proceeding of the Trustees, unless at some special meeting of the said Trustees to be held for that purpose, of which meeting twenty-one days notice shall have been given by any two or more of the said Trustees, or by the clerk to the said Trustees in such newspaper as aforesaid, and also by notice in writing affixed upon all the turnpike-gates then erected on the said roads at least ten days previous to such meeting, every such notice specifying the purpose of such meeting; nor shall any such alteration revocation or repeal be made unless a greater number of the Trustees shall be present at such meeting than were present at the making of any such order resolution determination or proceeding.

And be it further enacted, That if after any adjournment of any meeting of the said Trustees it shall at any time be thought necessary that an earlier day of meeting should be appointed than the day to which such meeting shall have been adjourned, it shall and may be lawful to and for any two or more of the said Trustees and to and for their clerk by an order in writing signed by two or more Trustees (although not assembled at a meeting) to appoint the time and place

place and to state the purpose of such meeting and to give notice of such earlier meeting by advertizement in such newspaper as aforesaid, and on all and every the turnpike-gates on the said roads (such time being not less than fourteen clear days after such notice shall be given), and all proceedings of the Trustees at such meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an adjournment; and such meetings or any of them may be adjourned, and every adjournment of such earlier meeting shall be considered as an adjournment of the original meeting under this Act.

Books to be kept of proceedings of Trustees.

And be it further enacted, That the said Trustees shall and they are hereby required from time to time and at all times during the continuance of this Act to order and direct a book or books to be provided and kept by their clerk for the time being, in which book or books all orders and proceedings of the Trustees shall be regularly entered; and such orders and proceedings so entered shall be signed by the chairman of the meeting at which the same shall be made or by the Trustees making the same; and the said book or books and all books of proceedings of the Trustees in the execution of the said recited Acts and made evidence thereby, and the book or books hereinafter directed to be kept for registering mortgages and assignments, shall be admitted as evidence in all courts and by all judges justices and others.

Books to be evidence.

Books to be kept of accounts of receipts and disbursements, which shall be open to the inspection of the Trustees and creditors.

And be it further enacted, That the said Trustees shall and they are hereby required from time to time and at all times during the continuance of this Act to order and direct a book or books to be provided and kept by their clerk for the time being, in which book or books such clerk shall enter or cause to be entered true and regular accounts of all sums of money received paid laid out and expended for or on account of the said roads, and of the several articles matters and things for which such sums of money shall have been disbursed laid out and paid; which books shall at all seasonable times be open to the inspection of the said Trustees and any creditor or creditors of the tolls without fee or reward; and the said Trustees and creditors and any of them shall and may take copies of or extracts from the said book or books or any part or parts thereof respectively without paying any thing for the same; and in case the said clerk or the person or persons who shall have the care or custody of such book or books shall refuse to permit or shall not permit the said Trustees or such creditors or any of them to inspect the same or to take such copies or extracts as aforesaid, such clerk or person or persons shall forfeit and pay any sum not exceeding five pounds.

Penalty for refusal of inspection.

And

And be it further enacted, That it shall be lawful for the said Trustees or any five or more of them, and they are hereby empowered at any meeting or meetings to be held in pursuance of this Act, to nominate and appoint any number of the said Trustees not less than three as a committee or committees to examine into inspect or superintend any matter or business directed to be done by the said Trustees in execution of this Act, as the said Trustees or any five or more of them shall intrust to such committee or committees, and such committee or committees shall be accountable to any meeting for what they shall do therein, and such committee or committees shall report what they have done therein from time to time at the next or some other meeting of the said Trustees, and shall meet at and adjourn from time to time to any time or place as they shall see occasion; and the report of such committee and committees shall be signed by them and entered in the general minute book of proceedings kept by the clerk to the said Trustees, or in a separate book or books as the said Trustees or any five or more of them shall think fit, and be referred to from the general minute book; and the orders from time to time in pursuance of such report or reports shall refer to the report on which the same was grounded: Provided always, that the said committee shall at all times pay and defray their own expences.

Trustees may appoint committees.

And be it further enacted, That the said Trustees or any five or more of them at any of their meetings by writing under their hands, shall and may from time to time appoint a clerk treasurer or treasurers collector or collectors of the tolls and a surveyor or surveyors of the said roads and such other officers as they the said Trustees shall think necessary, and may from time to time remove any such officer or officers, and on the death or removal of any such officer or officers may appoint others in their stead, and eight clear days notice of the intention of such appointment shall be given in some newspaper as aforesaid, of every meeting where any such appointment shall be made after the first meeting of the said Trustees, and the said Trustees or any five or more of them shall and may and 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 and also to other persons employed or who shall assist in the execution of this Act for their services in or about the carrying of this Act into execution, as they the said Trustees or any five or more of them shall think reasonable: Provided always, that no person shall be capable of holding any place of profit under this Act who shall sell any ale beer wine or spirituous liquors by retail.

Appointment of officers.

Persons selling ale, &c. by retail, not capable of holding places of profit.

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Provided