



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xxxviii.

An Act for amending, widening, altering and keeping in Repair the Road from the Eastern End of *Potter Street*, in the Town of *Worksop*, to the Bridge over the *Chesterfield Canal*, leading into the Town of *West Retford* in the County of *Nottingham*. [15th May 1822.]

WHEREAS the Road leading from the Eastern End of *Potter Street*, in the Town of *Worksop*, to the Bridge over the *Chesterfield Canal*, leading into the Town of *West Retford* in the County of *Nottingham*, passing out of, through, or into the several Parishes, or Townships of *Worksop*, *Radford*, *Osberton*, *Babworth*, *Ordsall*, and *West Retford*, all in the said County of *Nottingham*, is in certain Parts thereof very much out of Repair, and incommodious for Travellers, Cattle, and Carriages, and the same cannot be effectually amended, widened, altered, diverted, and kept in good Repair by the ordinary Course of Law: 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 His Majesty's Justices of the Peace acting for the County of *Nottingham* for the Time being, together with the Right Honourable *Henry Charles Howard*, commonly called the Earl of *Surrey*, the Most Honourable *William Henry Cavendish Bentinck* commonly called

Trustees appointed.

[Local.]

the

the Marquis of *Titchfield*, the Right Honourable Lord *William Bentinck*, Sir *Thomas Woollaston White* Baronet, the Honourable and Reverend *John Lumley Savile*, the Honourable *John Bridgman Simpson*, *Robert Hartsborne Barber*, *George Beardsall*, the Reverend *F. F. Beckwith* Clerk, *John Bigsby* Doctor of Physic, *Mordecai Binney*, *Hugh Blaydes*, the Reverend *George Booth* Clerk, *William Booth*, *Martin Bower*, *John Champion*, *William Champion*, *Samuel Dethick*, *Peter Dickonson*, *Benjamin Eddison*, the Very Reverend Archdeacon *Eyre*, *Anthony Hardolph Eyre*, *George Savile Foljambe*, *Henry Savile Foljambe*, the Reverend *Francis Foxlowe* Clerk, *John Froggatt*, *William Gregory*, *Samuel Hodgkinson*, *William Holland*, *John Holmes*, *John Horncastle*, *Stokeham Huthwaite*, *John Hutchinson*, *Henry Clarke Hutchinson*, *John Kirke*, *William Kirke*, *Henry Gally Knight*, *James Lee*, *Henry Machin*, the Reverend *George Mason* Clerk, *William Mason*, *Beaumont Marshall*, *William Marson*, *John Mee*, the Reverend *William Mould* Clerk, *William Nelson*, *John Parker*, *Robert Pashley*, *John Rogers*, *Ranby*, *John Roe*, *Francis Roe*, *Frank Sotheron*, *William Scorah*, *John Sbergold*, *Henry Simpson*, *John Simpson the younger*, *John Smith*, *East Retford*, *John Smith*, *Worksop*, the Reverend *Thomas Stacye* Clerk, *John Vessey*, *William Wagstaff*, *Joseph Whitaker*, *Jeremiah Whitehead*, the Reverend *Abraham Youle* Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, widening, repairing, altering, and otherwise improving the said Road hereby intended to be made Turnpike, and for otherwise carrying this Act, and all the Powers, Matters, and Things herein contained, into full and complete Execution.

Power to
appoint ad-
ditional
Trustees.

II. And be it further enacted, That it shall be lawful for the Trustees hereby appointed, or their Successors, or any Three 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 Five 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, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to
choose new
Trustees.

III. And be it further enacted, That in case any of the Trustees herein-before named, or to be appointed by virtue of this Act, shall die, or become bankrupt or insolvent, or refuse, decline, remove out of the County, or become incapable to act, it shall and may be lawful for any Five or more of the surviving or remaining Trustees, by Writing under their Hands (at any Meeting whereof at least Ten Days Notice shall be given by such Trustees, or any Two or more of them, upon all the Toll Gates to be erected upon the said Road, specifying that any Appointment of new Trustees is intended to be made at such Meeting), to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying, becoming bankrupt, or insolvent, or refusing, declining, removing, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required), shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person in whose Stead he shall be so appointed was invested with.

IV. Provided

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of his acting he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate to the Amount of Four thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before any Two or more of the said Trustees, an Oath, or being a Quaker, made and subscribed an Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or either of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer;

Qualification
of Trustees.

I do swear [*or, being one of the People called Quakers, do solemnly declare and affirm*] That I am in my own Right [*or in the Right of my Wife,*] in the actual Possession or Receipt of Rents and Profits of Freehold [*or Copyhold*] Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or Heir apparent of a Person seised of an Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds,*] [*or possessed of a Personal Estate of the Amount or Value of Four thousand Pounds, as the Case may be*]; and that I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts, Powers, and Authorities reposed in me as a Trustee, under and by virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act.*]

So help me GOD.

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

V. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act) shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under the said Trustees, or this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, or who shall be interested or concerned in any Contract under this Act, 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 such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His

Trustees interested or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

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 as aforesaid, 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 Execution of this Act; provided nevertheless, that all Acts and Proceedings touching the Execution of this Act which shall be done and performed by any such Person previously to his being convicted of the Offence before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, 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 be deemed unqualified to act as a Trustee in the Execution of this Act.

Powers of Act may be executed by Three Trustees at a Meeting, and their Proceedings shall be as valid as if all Trustees had acted.

VI. And be it further enacted, That all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things directed or authorized to be done by the said Trustees, shall and may be executed and done by the Majority of them assembled at some Meeting to be held in pursuance of this Act, the whole Number present being not less than Three; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at such Meeting or Meetings, consisting of Three Trustees, except herein otherwise directed, wherein the major Part of the Trustees present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting or Meetings 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 all Orders made under the Powers and Provisions of this Act may be revoked or altered, if Occasion shall require; provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk, under their Hands, and also cause Notice to be published in some public Newspaper usually circulated in the said County of *Nottingham*, and affixed on all the Turnpike Gates then standing or being across the said Road, specifying that such Revocation or Alteration is intended to be moved for, Ten Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences.

Trustees may act as Justices.

VII. And be it further enacted, That any of the Trustees appointed, or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested, otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

VIII. And

VIII. And be it further enacted, That the Trustees for executing this Act shall meet together at the *Red Lion Inn*, at *Worksep* aforesaid, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places within the said County as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days nor sooner than Five Days from the Day of such last intended Meeting; and in such Case the Clerk shall give at least Four clear Days Notice of every such adjourned Meeting in some public Newspaper usually circulated in the said County of *Nottingham*, and on all the Turnpike Gates then standing or being across the said Road; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three of them, although not assembled at a Meeting, to call a Meeting of the Trustees, by Notice to be published in some such public Newspaper as aforesaid, and on all the Turnpikes or Toll Gates on the said Road, appointing the Trustees to meet at such Time and Place within the said County as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Forty Days, nor sooner than Five Days, from the Date of advertising such Meeting.

Meetings of Trustees.

IX. And be it further enacted, That if after any Adjournment 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 be adjourned, any Two or more of the Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, either in Writing or printed, to be affixed on all the Turnpikes then erected by virtue of this Act, and also in some Newspaper circulated in the Neighbourhood of the said Road hereby directed to be repaired (such Time being not less than Five Days after any such Notice); 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 a regular Adjournment, provided that no other Business be done at such Meeting than such Business as shall be mentioned in the Notice for calling the same.

Meetings on Emergencies.

X. And be it further enacted, That the said Trustees shall hold a General Meeting on the Second *Monday* in the Month of *June*, in every Year, at the *Red Lion Inn*, at *Worksep* aforesaid, or at such other Place as the said Trustees shall elect, which Meeting shall be called the Annual General Meeting of the said Trustees; and of the Time, Place, and Purpose of such Meeting Fourteen Days previous Notice shall be given by any Two or more of the said Trustees, in the same Way as is herein directed with respect to any Meeting to be held for the Election of new Trustees; and at such Annual General Meetings the said Trustees shall examine and audit the annual Accounts of the Clerk, Treasurer, Sur-

An Annual General Meeting to be held.

vayors, and Collectors, relating to their respective Offices, and then and there from Time to Time shall pass such Accounts, or so much thereof as they shall think proper.

Books to be kept of Proceedings of Trustees.

XI. 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 shall be signed by the Trustees making the same, or by the Chairman of the Meeting; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be kept of the Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XII. 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 Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

XIII. And be it further enacted, That the said Trustees, at their First or 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 or Removal of any such Officer or Officers, to appoint others in their Stead; 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 and other Persons employed, or who shall assist them, or any of them, 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: Provided always, that no Person shall be capable of being appointed to, or of taking or holding, or acting in the Execution of any Place of Trust or Profit under the said Trustees, during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming the Tolls

by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

XIV. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for 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, and also in case any Collector or Receiver shall die, the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector of such Tolls in his Room or Stead; which Person, so nominated and appointed, shall have the like Power and Authority, and shall be answerable and accountable and removable in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House or Building, or the Appurtenances to be erected or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two or more of the said Trustees (although not assembled at a Meeting), or by their Clerk for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act shall retain and keep Possession of any such Toll Gate or Toll House, or Buildings, or the Appurtenances, after the End or Expiration of his or their Lease or Term therein; then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate or Toll House or Building, or the Appurtenances, shall be situate, upon Demand made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, 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 Two of them, or any Person they shall appoint for that Purpose, into Possession of such Toll Gate or Toll House, or Buildings and Appurtenances.

Trustees to
appoint tem-
porary Col-
lectors.

XV. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office, and if they shall so think proper, shall and may also take such Security from any other Officer, to be appointed under or by virtue of this Act; and if any Treasurer shall act in the Execution of his Office before he shall have given such Security as aforesaid, such Treasurer so acting shall forfeit the Sum of Fifty Pounds.

Treasurer to
give Security.

XVI. Pro-

Office of
Clerk and
Treasurer
not to be
held by One
Person.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed to Act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person, being the Partner of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending 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, together 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, nor more than one Impar lance shall be allowed.

Officers to
account.

XVII. And be it further enacted, That every Officer and other Person who shall be appointed under or by virtue of this Act, shall from Time to Time when thereunto required by the said Trustees, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom, and for what Purpose the same, and every Part thereof, hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person or Persons as they shall in Manner aforesaid appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act; then and in every such Case, Complaint being made by the said Trustees, or by any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may, and he is hereby authorized upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money
to

to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any), as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Compositions the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person, who shall be committed for want of a sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Time than Three Calendar Months.

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but that the Clerk or the Trustee in whose Name such Action or Suit shall have been so brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

Trustees may
sue and be
sued in the
Name of
their Clerk.

Power to
erect Turn-
pikes, Toll
Gates, Side
Gates,
Weighing
Machines,
&c.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Road, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, and also one or more Toll House or Toll Houses, with Out Buildings 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 Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses, as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper and direct or appoint; any Clause, Matter, or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

Power to
take Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees for the Time being, or any Person or Persons to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take at each and every Turnpike, Toll Gate, or Side Gate, to be erected by virtue of this Act, and from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls, or such Sums or Sum not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall appoint and order; (that is to say),

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Calash, Gig, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast, not exceeding Four, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Sixteen Inches or upwards, and having the Axle Tree, Bushes, and Wheels made cylindrical, so that the Wheels thereof roll on a flat Surface, the Sum of One Farthing; and for every additional Horse or other Beast exceeding Four, drawing any such Waggon, Wain, Cart, or other Carriage as last aforesaid, the Sum of One Penny Halfpenny:

For every Horse or other Beast, not exceeding Four, drawing any Waggon or Wain, having the Axle Tree, Bushes, and Wheels made in Manner aforesaid, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, but so constructed that the Fore and Hind Wheels on each Side taken together shall roll a Surface of Sixteen Inches or upwards, the Sum of One Farthing; and for every additional Horse or other Beast exceeding Four, drawing such Waggon or Wain as last aforesaid, the Sum of One Halfpenny:

For

For every Horse or other Beast, not exceeding Four, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, and under Sixteen Inches, and having the Axle Tree, Bushes; and Wheels made in Manner aforesaid, the Sum of One Halfpenny; and for every additional Horse or other Beast exceeding Four, drawing such Waggon, Wain, Cart, or other Carriage as last aforesaid, the Sum of One Penny:

For every Horse or other Beast, not exceeding Four, drawing any Waggon or Wain, having the Axle Tree, Bushes, and Wheels made in Manner aforesaid, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, but so constructed that the Fore and Hind Wheels on each Side taken together shall roll a Surface of Ten Inches or upwards, the Sum of One Halfpenny; and for every additional Horse or other Beast exceeding Four, drawing such Waggon or Wain as last aforesaid, the Sum of One Penny:

For every Horse or other Beast, not exceeding Four, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and under Nine Inches, and having the Axle Tree, Bushes, and Wheels made in Manner aforesaid, the Sum of One Penny; and for every additional Horse or other Beast exceeding Four, drawing any such Waggon, Wain, Cart, or other Carriage as last aforesaid, the Sum of Two-pence:

For every Horse or other Beast, not exceeding Four, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Three Inches, and under Six Inches, and having the Axle Tree, Bushes, and Wheels made in Manner aforesaid, the Sum of Two-pence; and for every additional Horse or other Beast exceeding Four, drawing any such Waggon, Wain, Cart, or other Carriage as last aforesaid, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, of whatever Breadth or Dimensions the Sole or Bottom of the Wheels thereof may be, in case the Axle Tree, Bushes, and Wheels of such Waggon, Wain, Cart, or Carriage are not made cylindrical, or being cylindrical, shall not be of the Breadth of Three Inches as aforesaid, the Sum of Four-pence:

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

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

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Two-pence Halfpenny *per* Score, and so in proportion for any less Number.

And upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and all such Notes or Tickets shall be provided by the said Trustees or their Lessees, 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 which shall be freed by such Payment.

Table of
Tolls.

- XXI. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Exempting
return Post
Chaises and
Post Horses.

XXII. Provided always, and be it further enacted, That all Horses travelling for hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Toll Gates,
Toll Houses,
&c. vested
in Trustees.

XXIII. And be it further enacted, That the Right and Property in all the Turnpikes, Weighing Machines, Toll Gates and Toll Houses, and the several Conveniencies and Appurtenances thereunto belonging, which shall be erected or made upon or by the Sides of the said Road by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Road, or any Part thereof, and all Mile Stones or Direction Posts to be set up or erected on or by the Sides of the said Road, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into Execution; and they the said Trustees are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, spoil, injure, or destroy any of such Turnpikes, Weighing Machines, Toll Gates, Toll Houses, Conveniencies, Appurtenances, Materials, Articles, or Things, or disturb the said Trustees, or their Agents or Servants, in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether civil or criminal, it shall be sufficient to state generally, that the Article or Articles, Thing or Things, for or in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of "The Trustees for repairing and improving the Road from *Worksop* to *Retford*;" and that in all civil and criminal Proceedings whatsoever relating to the said Road, and in all Disputes, Suits, or Litigations, touching or in anywise relating to the Tolls or Duties hereby granted, no Person or Persons shall be deemed incompetent to give Testimony or Evidence therein by reason only of being a Trustee or Trustees, or Collectors of the Tolls, Clerks, Treasurers, Surveyors, or other Officers or Servants of or other Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Road does or shall pass.

Limiting the
Number of
Payments at
each Turn-
pike for the
same Horse,
&c. in One
Day.

XXIV. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in any One Day (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing with the same Horse or Horses, Beasts or Cattle, through the same Turnpike, except as herein-after mentioned, such Person or Persons producing

a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver gratis, on Payment of the Tolls as herein-before mentioned; and that no Person shall be liable to the Payment of any Toll or increased Charge by reason of his passing through any Side Gate or Side Bars or Chains to be erected and set up by virtue of this Act upon or across any Lane or Road leading into or out of the said Road, through any other of the Turnpikes to be erected by virtue of this Act across any Part of such Road, beyond what he would be liable to pay if he had passed through any of the said Gates only; any thing herein contained to the contrary notwithstanding.

XXV. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses drawing Stage Coaches, and other such public Carriages, licensed or not licensed, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid), and that the said Tolls shall be payable for or in respect of all Horses drawing Post Chaises and other Carriages travelling for hire, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid), on a Ticket being produced denoting a new Hiring.

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

XXVI. Provided always, and be it further enacted, That all and every Waggon, Wain, Cart, or other such Carriage having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*; and the several Horses and other Beasts drawing the same, shall be entitled to and have and enjoy the Privileges and Exemptions granted by the said Act in manner therein mentioned.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3. c. 119.

XXVII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes to be erected upon the said Road (except Stage Coaches and Diligences, which shall be subject to pay at Two Gates only each Time of passing and repassing in the same Day; and also except Post Chaises and other Post Carriages travelling for hire, with Tickets denoting a fresh Hiring, which shall in like Manner be liable to pay Toll at Two Gates only each Time of passing and repassing on the same Day); and that all and every Person and Persons having paid such respective Tolls, and producing a Ticket or Tickets denoting the Payment thereof, shall afterwards be allowed to pass or repass during such Day with the same Horses, Beasts, Cattle, and Carriages, Toll-free, through all such Toll Gates or Turnpikes except as aforesaid.

No more than Two full Tolls to be taken in One Day.

XXVIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying

Penalty on evading Tolls.

[Local.]

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by

by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a Public Highway or Road), shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid), to go or pass with any Horse, Beast, Cattle or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly or fraudulently pass through any such Turnpike or Toll Gate, with any Horse or other Cattle or Beast, without Payment of Toll; or if any Person claiming any Exemption from the Payment of the Tolls hereby granted, or any Part thereof, shall refuse or decline to give his or her Name and Place of Residence to the Collector or Collectors of the Tolls at any Gate or Gates at which such Exemption shall be claimed; or shall give a false Name or Place of Residence; all and every such Person or Persons shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, one Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Road, to be applied to the Purposes of this Act.

For securing Payment of the Tolls for any additional Horses put on to any Carriage, on any Part of the Road.

XXIX. And be it further enacted, That if any Person or Persons who shall pass through any Turnpike or Toll Gate to be erected by virtue of this Act, with any Carriage drawn by One or more Horse or Horses, or other Beast or Beasts of Draught, shall have put any additional Horse or Beast to any such Carriage for the Purpose of drawing such Carriage on any Part of the said Road, and shall have removed and taken away such additional Horse or other Beast before passing through such Turnpike or Toll Gate; or if any Person or Persons shall, after passing through any such Turnpike or Toll Gate, put any such additional Horse or other Beast to any such Carriage for the Purpose of drawing such Carriage on any Part of the said Road, then and in either of such Cases the Tolls granted by this Act shall be payable for every such additional Horse or other Beast, in the same Manner as if such additional Horse or other Beast had been employed in drawing such Carriage when passing through any such Turnpike or Toll Gate; and if the Person or Persons driving such Carriage shall, upon passing through any such Turnpike or Toll Gate, neglect to pay or tender the Toll so payable in respect of such additional Horse or Horses, Beast or Beasts, such Person or Persons, or the Owner or Owners of such Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for Recovery of Penalties and Forfeitures, one Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Road, to be applied to the Purposes of this Act.

For Recovery of Tolls.

XXX. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person, subject or liable to the Payment of any of the said Tolls, shall, after Demand

Demand thereof made, neglect or refuse to pay the same; or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriages or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

XXXI. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Brick, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or for repairing any of the Public Highways in any Parish, Township, or Place, through or into which the said Road leads, or for building or repairing any Public Bridge or Bridges on the said Road, or of

Exemptions from Tolls.

of or from the General Surveyor or Working Surveyors, or any other Person or Persons, when engaged in executing the Powers of this Act, or laden only with Mould, Dung, Marle, Soil, or other Manure, to be used in manuring or improving any Lands or Grounds, or with any Seed for seeding the Ground, Grass, Hay, Clover, Sainfoin, Rushes, Fodder of any Sort, Turnips, Straw, or Corn, or Pulse in the Straw, Wood, Apples, Potatoes, or Milk, not sold or disposed of, or going to be sold or disposed of, but to be laid up or consumed in any of the Houses, Out Houses, Yards, Barns, or Premises, of any of the respective Inhabitants or Occupiers of Land within the said respective Parishes or Places; nor for any Horse, Beast, or other Cattle or Carriage drawing or going with, or going empty, or returning empty after being laden only with Stone, Tiles, or other Materials for draining Lands, or with any Ploughs, Harrows, or other Implements of Husbandry, or any thing whatsoever that shall be used or employed in the manuring, clearing, draining, fencing, or stocking of Land in any of the said Parishes or Places belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, or Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes or Places; or going to be or returning from being shod or farried, or for any Horses or other Beasts conveying or drawing any Person or Persons, being Owner or Occupier of any Farm or Lands in any Parish or Place contiguous to any of the Turnpikes upon the said Road, to his or their Farm or Lands, only to view the same, not going or travelling from or out of the Parish or Place where such Farm or Lands are situate; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners, or of or from any Person or Persons in any of the said Parishes or Places, or the Parish or Place next adjoining, for passing through any of the said Toll Gates or Turnpikes on *Sundays*, or any other Day on which Divine Worship, is ordered by Authority to be celebrated, to or from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, for the Purpose of attending, or returning after having attended Divine Service thereat; or for any Person or Persons going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, or Place, in which any Part of the said Road lies, or for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; or for any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from carrying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes, or with any Prisoner in Custody under any legal Warrant; or for any Coaches, Ber-

lins,

lins, or Landaus, Sociables, Chariots, Curricles, Chaises, or Carriages whatsoever, or Passengers on Horseback going to or returning from the Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Nottingham*, or on the Day before or Day after such Election shall begin or be concluded, the Persons travelling thereby being Freeholders, and entitled to vote at such Election; and that no Toll shall be demanded or taken for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXXIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided and used only for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be held from Time to Time for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, at any Meeting or Meetings, shall think proper; and from Time to Time afterwards, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweight, and such reduced Tolls shall and may be collected and levied and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful to reduce the said Tolls, without the Consent of Five-sixths in Value of the Creditors on the said Tolls respectively; and that no such Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon

Power to reduce Tolls.

[Local.]

13 Y

all

all the Turnpikes or Toll Gates which shall then be erected on the said Road.

Trustees may
lease the
Tolls.

XXXV. And be it further enacted, That the said Trustees shall be and are hereby empowered, after giving Ten Days Notice thereof in One or more of the Public Newspapers usually circulated in the County of *Nottingham*, and also in Writing to be affixed upon the Turnpike or Turnpikes, the Tolls whereof are intended to be leased from Time to Time, to demise or let to farm, or agree to demise or let to farm all or any of the Tolls arising by virtue of this Act; and all or any of the Toll Houses and Conveniencies and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take to farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Lessees, or
Persons ap-
pointed by
them, may
collect the
Tolls.

XXXVI. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls, appointed by the said Trustees, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees, is subject or liable to.

Trustees may
compound
for Tolls.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term not exceeding One Year at any One Time, with any Person

Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance Quarterly, and in Default thereof the Composition shall be void.

XXXVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Order of the Trustees made under the Powers of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in Manner hereinafter mentioned: Provided always, that if the Justice by or before whom the Matter or Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Renters, &c. taking greater or less Tolls.

XXXIX. And be it further enacted, That all and every Toll Collector being Lessee of the Tolls authorized to be collected upon the said Road, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit and suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them; or shall, in answer to any such Demand, give a false Name or Names; or shall refuse or neglect to give a Ticket, denoting the Payment of Toll, and naming and specifying the several Gates freed by such Payment (all which Tickets the said Collectors of the Tolls are hereby required to deliver gratis on the Receipt of such Toll, and such Tickets shall name and specify at which Gate such Payment shall have been made, and also the several Gates freed by the Payment of such Toll); or shall unnecessarily detain any

For punishing Collectors for Misconduct.

any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided always, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Enabling Trustees to take Possession of Toll Houses, in case of Non-performance of the Terms of the Lease.

XL. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Two or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing, under the Hands of any Two or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and also any other Person or Persons found therein, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees' Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again, to any other Person or Persons, or cause them to be collected in such and the same Manner, as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may borrow Money on the Credit of the Tolls.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting, to borrow and take up at Interest, on mortgage of the Tolls arising by virtue of this Act, and of the Toll Gates, Bars, Chains,

Chains, and Toll Houses for collecting the same, and of the Buildings and Appurtenances thereunto belonging, such Sum or Sums of Money as they shall think necessary for the Purposes of this Act; and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, from Time to Time to demise, mortgage, and assign all or any Part of the Tolls hereby granted, and the Toll Gates; Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereof, or any of them (the Costs and Charges of such Mortgages to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money, or his, her, or their Trustee or Trustees, which Mortgages shall be made in the Form or to the following Effect; (that is to say),

‘ **B**Y virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the*
 ‘ *Title of this Act*], we _____ of the Trustees
 ‘ for putting the said Act into Execution, in consideration of the Sum of
 ‘ _____ paid by _____ of
 ‘ to the Treasurer of the said Road, do hereby bargain, sell, and assign,
 ‘ unto _____ his, her, or their Executors, Administra-
 ‘ tors, and Assigns, the Tolls arising by virtue of the said Act, and the
 ‘ Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and
 ‘ the Buildings and Appurtenances thereunto belonging; to hold the
 ‘ same unto the said _____ his, her, or their Executors,
 ‘ Administrators, and Assigns, from the Day of the Date hereof, for and
 ‘ during the Continuance of the said Act, subject to the following Pro-
 ‘ viso; that is to say, provided always, that if the said Sum of
 ‘ _____ with Interest for the same at the Rate of
 ‘ _____ *per Centum per Annum*, shall be repaid and satisfied to the
 ‘ said _____ his, her, or their Executors, Administrators,
 ‘ or Assigns, within _____ Calendar Months from the Day of the
 ‘ Date hereof, then this Mortgage and Assignment shall be void. In
 ‘ witness whereof, we have hereunto set our Hands and Seals, this
 ‘ _____ Day of _____ in the Year of our Lord One
 ‘ thousand eight hundred and _____

And Copies of all such Mortgages shall be entered in a Book or Books to be kept and provided for that Purpose by the Clerk to the said Trustees; which Book or Books shall and may, at all seasonable Times, be perused or inspected without Fee or Reward; but no Money shall be borrowed upon Security of the Tolls after the First Meeting of the said Trustees, unless Twenty-one Days previous Notice shall be given of such other Meeting, in the same Way as is herein directed with respect to any Meeting to be held for the Election of new Trustees; and all Persons to whom any Mortgages or Assignments of Tolls shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time assign and transfer their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and to the Principal and Interest thereby secured, to any Person or Persons whomsoever, and for such Considerations as may be agreed upon between themselves; which Transfer shall be in the following Words, or in Words to the like Effect; (that is to say),

[*Local.*]

13 Z

‘ I

Form of
Transfer.

do transfer this Mortgage or Security,
 [or a certain Mortgage or Security, *shortly stating it, as the Case may*
be] with all my Right and Title to the Principal Money thereby secured,
 and all the Interest now due thereon unto his [or her
 or their] Executors, Administrators, and Assigns. Dated this
 Day of _____ in the Year of our Lord

Witness

And all such Assignments or Transfers shall be produced and notified to the Clerk to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the said last-mentioned Book or Books containing the Date, Name of the Parties, and Sum of Money therein assigned, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Assignment or Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and all Persons to whom any Mortgage shall be made as aforesaid, their respective Executors, Administrators, and Assigns, shall in proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, and Toll Houses, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Person shall have any preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

No Priority
of Mort-
gages.For enforcing
Payment of
Subscrip-
tions.

XLII. And be it further enacted, That the several Persons who have agreed or shall hereafter agree to lend, advance, or subscribe any Money, towards making, amending, widening, or altering the said Road, upon Mortgage of the Tolls hereby authorized to be taken, shall, after Twenty Days previous Notice in Writing, under the Hand of the Clerk or Clerks to the said Trustees, for that Purpose to him, her, or them given, or left at his or her Dwelling House or usual Place of Abode; and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees at any Meeting on such Road shall order and direct; and the same shall be paid at such Place or Places, and to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or such Part thereof as may be required in such Notice as aforesaid, it shall be lawful for the said Trustees to sue for and to recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, or Suit, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and after Proof of such Persons or Person having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Persons or Person, their, his, or her Executors or Administrators, shall pay or be compelled to pay the Sum or Sums of Money so by them, him, or her subscribed, or agreed to be subscribed as aforesaid, together with full Costs of Suit.

An Action of
Ejectment
may be sup-

XLIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall

shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

ported by one
Mortgagee.

XLIV. And be it further enacted, That all the Monies which shall be advanced and lent on Mortgage of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, Buildings, and Appurtenances, shall be applied by the said Trustees, to and for the several Uses, Intents, and Purposes, and in the Order following; that is to say, in the first Place, in Payment of the Costs, Charges, and Expences of preparing, obtaining, and passing this Act, and in anywise incident thereto; which Costs, Charges, and Expences shall be ascertained by the said Trustees, at their First Meeting to be held after the passing of this Act, or at some other Meeting to be held as soon as conveniently may be afterwards; and in the next Place, in purchasing the Land, Tenements, Buildings, and Hereditaments necessary to be purchased, taken, and used for the Purpose of making, repairing, widening, varying, altering, turning, or improving the said Road, or any Part thereof, and the Bridges, Arches, Tunnels, and other Things nereby authorized to be made; and in forming, making, and completing the said Road; and in erecting and building, and providing the necessary Toll Houses, Gates, and Chains, and the said Bridges, Arches, Tunnels, and other Matters and Things aforesaid; and in paying all the necessary Charges, Salaries, and Expences of the Clerk, Treasurer, Surveyor, Contractors, and other Persons who may be employed in and about the Premises, until the Completion of the said Road and other Works hereby authorized to be made.

Application
of Money
advanced on
Mortgage of
the Tolls.

XLV. And be it further enacted, That all the Monies which shall from Time to Time arise and be received from the Tolls by this Act authorized to be taken, shall be applied by the said Trustees to the Purposes and in the Order following; (that is to say), in the first Place, in paying and keeping down the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages which shall be made in pursuance of this Act; in the second Place, in repairing, maintaining, widening, varying, altering, turning, improving, and rendering commodious the said Toll Houses, Toll Gates, and Road, and in executing the several other Powers, Purposes, and Trusts of this Act; and in the last Place, from Time to Time, at the Discretion of the said Trustees, in reducing and paying off the Principal Sums due to such Mortgagees as aforesaid.

Application
of the Tolls.

XLVI. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same is proposed to be carried,

Plan and
Book of
Reference.

together

together with a Book or Schedule of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Nottingham*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the Time being of the same County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Misnomers
in the Books
of Reference.

XLVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road hereby authorized to be made, into, through, across, or over the Lands or Grounds of any Person or Persons, who is or are or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons, or of his, her, or their Tenant or Tenants, may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Nottingham*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

Deviations
not to exceed
certain
Limits.

XLVIII. And be it further enacted, That the said Trustees in making, diverting, or altering the said Road, described in the said Map or Plan, or any Part thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees may
make and
divert the
Road.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, alter, and improve, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road, through any Waste Grounds, Common, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which it may be necessary to purchase for making, widening, diverting, altering, and improving the said Road, and also for making all necessary Fences on the Sides of the said Road, and for the Erection of Toll Houses, with Garden Spots thereto, not exceeding One-eighth Part of an Acre for each Toll House, with the Garden thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whomsoever, not

only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femmes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons, who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and to sell and convey by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they, or any of them, shall do by virtue or in pursuance of this Act.

L. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width (not exceeding Sixty Feet, over any Commons or Waste Grounds, and not exceeding Forty Feet over any other Lands and Grounds), and in such Manner as the said Trustees shall think necessary and proper, without being deemed a Trespasser or Trespassers, or without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding Forty Shillings.

Power to enter Lands, and make Road.

LI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and such Persons as they shall appoint, by Order of the said Trustees, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers, in, or upon, or on the Sides of the said Road, in such Manner as they shall think proper; and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted

Power to make Causeways, Bridges, Drains, &c.

[Local.]

14 A

and

and set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Road, or across any of the Ditches, Watercourses, or Drains, where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of by all Passengers, Cattle, and Carriages as a Public Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages, between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid.

No Buildings to be taken down without Consent of Owners.

LII. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any Person or Persons to be employed by them in making, altering, diverting, and improving the said Road, to take, use, injure, damage, or pull down any Messuage, Tenement, Dwelling House, or other Building; or to take in or make Use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Fish Pond belonging to or near any Mansion House, without the Consent in Writing of the respective Owners and Occupiers thereof first had and obtained.

Recital of Intention to divert Road.

LIII. And whereas it is intended to divert Part of the said Road, near *Osberton*, the Length of One thousand two hundred and fifty-seven Yards, being from a certain Point or Place near to the North Eastern Corner of a Close of Land belonging to *George Savile Foljambe* Esquire, in the Occupation of *John Ashton*, in an Eastwardly Direction, to a certain other Point or Place in the same Road, near to the North Eastern Corner of another Close of Land belonging to the said *George Savile Foljambe*, in the Occupation of *Thomas Rogers*, both the said Closes being in the said Township of *Osberton*, and to turn the same through Lands and Grounds of the said *George Savile Foljambe*, as shewn or delineated and described in the said Map or Plan and Book of Reference, so deposited with the Clerk of the Peace for the said County of *Nottingham*, which new Line of Road will be nearer and more commodious to the Public than that Part of the present Road so intended to be diverted as aforesaid: And whereas the said *George Savile Foljambe* hath voluntarily agreed to give up Land sufficient for such new Line of Road, provided that Part of the present Road so intended to be diverted as aforesaid be discontinued in Manner herein-after mentioned; be it therefore further enacted, That when and so soon as such new Line of Road shall be by the said Trustees completed and declared to be fit for the Use of the Public, then and from

from thenceforth, that Part of the present Road so intended to be diverted as aforesaid, being of the aforesaid Length of One thousand two hundred and fifty-seven Yards, shall cease to be a Public Highway, and shall be and become the Property of the said *George Savile Foljambe*, his Heirs or Assigns, or the Person or Persons for the Time being entitled to the *Osberton* Estate; and that the said Road, when so diverted and turned, and made fit for the Use of the Public, shall be deemed and taken to be, to all Intents and Purposes, Part of the said Road hereby directed to be amended and kept in Repair, and shall be amended and kept in Repair in such and the same Manner as the Remainder of the said Road is hereby directed to be amended and kept in Repair.

LIV. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which it may be necessary to purchase for making, widening, diverting, altering, or improving the said Road, or any Part thereof, or who shall sustain any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall for the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees, or any or either of them, are and is hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning

When Persons interested neglect or refuse to treat.

ing and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Nottingham*, commanding him to impanel, summon, and return any indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who, without sufficient Excuse, shall not appear, or appearing, shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury, shall after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence; so that no one Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person, for one Offence.

How the
Expences of
the Jury and
Witnesses are
to be borne.

LV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment of more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Fourteen Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued

for that Purpose by any Justice of the Peace for the said County of *Nottingham*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses and Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Nottingham*, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

LVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in Manner by this Act directed (as the Case may be), and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments and Premises respectively, shall and may be taken and used for the Purposes of this Act; and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road for ever thereafter; and the said Road shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair; and all

Money allowed for Lands how to be charged and tendered.

Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be completed, the Lands constituting any former Road or Roads, which may thereby become useless or unnecessary, shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees, in the Manner herein mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; all Conveyances, being executed by the said Trustees, and inrolled in the Office of the Clerk of the Peace for the County of *Nottingham*, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

LVII. Provided always, and be it further enacted, That the said Trustees are hereby empowered to sell and convey any Piece or Pieces of Ground which may be purchased as aforesaid, and shall not be wanted for the Purposes of this Act; but before they shall sell and dispose of the same, they shall make the first Offer to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit, to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Nottingham* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

LVIII. And

LVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenants for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 High Court of Chancery, to be placed to his Account there; *ex parte* the Trustees for executing this Act, to the Intent that such Money shall 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, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith, to the same or the like Uses, Trusts, Intents, and Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; 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, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, 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 the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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 said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

Application of Compensation if amounting to 200l.

LIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tene-

Where less than 200l. and amounting to 20l.

ments, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, 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 High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before 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 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

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LX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned, shall be less than 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, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person and Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

LXI. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under or by virtue of the Powers 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 the 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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 High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject to the Order,

Controul, and Disposition of the said High Court of Chancery; 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 Interest, 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 therein 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 of *England* as aforesaid.

LXII. Provided always, and be it further enacted, That where 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 High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

In case of
disputed
Titles.

LXIII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by

Court may
order reason-
able Ex-
pences to be
paid by
Trustees.

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the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Powers to contract for Land to get Materials.

LXIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them, of and to hold any Land or Ground for the Purpose of digging Stone and Materials therefrom for the Repairs or Use of the said Road, or any Part thereof; and at any Time afterwards, to sell the Land or Ground (so purchased) by public Auction or Tender: Provided always, nevertheless, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same; provided also, that the said Trustees shall not hold, at any one Time or Period, a greater Quantity of such Land or Ground in the Whole than Five Acres.

Power to get Materials.

LXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Road, or any Bridge or Bridges thereon, out of any Common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Road lies, or in any adjoining Parish, Hamlet, or Place, and to hale or carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish or Place in which the said Road lies or is situate (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, or any Land or Ground being or used as Water Meadow), making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, or any Land or Ground being or used as Water Meadow), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing the said Road, or for building or repairing any Toll House or Toll Houses on or by the Sides thereof, from any River, Stream,

Stream, or Canal, in any Parish, Hamlet, or Place in which any Part of the said Road lies, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken, shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

LXVI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons employed in the Execution of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House, or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials taken.

LXVII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Road, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Road, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for Sale), every Person so offending, shall for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on taking away Materials raised by Surveyors.

LXVIII. And be it further enacted, That if any Person shall, after the passing of this Act, erect or place any Sluice, Dam, Flood Gate, or other Obstruction,

No Flood Gates or Obstructions in

the Water-
courses to be
made so as
to injure the
Road.

Obstruction, in any Brook or Watercourse, whereby or by means whereof the said Road, or any Part thereof, shall be flooded, damaged, or injured, or rendered unsafe; or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Road, or any Part thereof; or shall deepen or widen any Ditch, Drain, or Watercourse already made into or on the Sides of the said Road, or any Part thereof; or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse, lying on the Outside of his, her, or their Paling, Hedges, or other Fences, then and in every such Case, it shall be lawful for the Surveyor to the said Trustees, and the several Workmen to be employed by him, to take down and remove every such Sluice, Dam, Flood Gate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Road; and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Water courses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and the Person erecting or placing such Sluice, Dam, Flood Gate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Flood Gate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

Penalty for
erecting En-
croachments
on the Side
of Road.

LXIX. And be it further enacted, That if any Person shall from and after the passing of this Act, encroach upon the said Road by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses or other Buildings erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands, made at a Meeting or some Adjournment thereof, directed to such Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences, to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the said County of *Nottingham*, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

For removing
Annoyances
and Nui-
sances.

LXX. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to pull down and remove any Windmill or Windmills, which shall after the passing of this Act be erected within Three hundred Feet of the Centre of any Part of the said Road, and to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things, being laid on any Part of the said Road, or upon Open Common
or

or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same for the Space of Seven Days after Notice in Writing, signed by the Surveyor, given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or the Surveyor or Surveyors shall require; the Charges whereof to be settled by any One or more of His Majesty's Justices of the Peace for the said County, on Application made to him or them for such Purpose by such Surveyor or Surveyors, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

LXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Road, or any Part thereof, or by the Sides thereof, except on such Part or Parts of the said Road where the same is not fenced, or is open on either Side to any Common or Waste Ground, it shall be lawful for the Surveyor of the said Trustees for the Time being, or for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees should appoint, and the same there to detain until the Owner or Owners thereof shall, for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding, it shall be lawful for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep,

Cattle straying to be impounded.

[Local.]

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or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Punishment
of Persons
guilty of
Pound
Breach.

LXXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Road to be
measured
and Mile
Stones set
up.

LXXIII. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and also such and so many Direction Posts as they shall judge necessary or proper.

Penalty for
damaging
Mile Stones,
&c. or in-
juring Cause-
ways or
Roads, &c.

LXXIV. And be it further enacted, That if any Person or Persons whomsoever, shall wilfully pull up, injure, or damage any of the Posts, Boards, Mile Stones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed by order of the said Trustees at or near to any of the said Turnpike Gates, or on any other Parts of the said Road, or shall cause or procure the same to be done; or if any Person or Persons, in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion; shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate or Stile, or cause the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully

fully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected across the said Road; or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone otherwise than upon wheeled Carriages, or shall suffer any Tree or Piece of Timber, or any Stone which shall be conveyed upon wheeled Carriages, to drag upon any Part of such Road to the Prejudice thereof; or shall without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Minerals, Slush, Dirt, Mire, Drift, or Soil, from off any Footway or Causeway, being Part of or adjoining the said Road, or from any other Part of the said Road; or if any Person or Persons shall ride upon, or wilfully drive any Waggon, Cart, or other Carriage, upon, along, or against any such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Road, for the Use of Foot Passengers; or shall wilfully lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon; or shall wilfully or carelessly cause any Damage to be done to any such Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine, upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander or stray, or to be or remain upon the said Road, to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road, shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road; or shall in or upon any Part of the same Road, or by the Side or Sides thereof, or in any exposed Situation near thereto kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Buildings, Butcher's Shop, or Shambles into the said Road; or burn, dress, or sweep any Piece or Pieces of Cork; or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, in any Part or Parts of the said Road, or in any exposed Situations near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents, upon any Part of the said Road; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon any Part of the said Road; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon
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the said Road, or within Eighty Feet of the Centre thereof, or play at Football or any other Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higler, Hawker, Pedlar, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Windows to the Front of the said Road, shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beam of Wood, Basket, Pannier, or other Matter or Thing across the back of any Horse, Mule, or Ass passing along the said Road, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of each Horse, Mule, or Ass; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage, in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road, or any Part thereof, the Stone or other thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart or other such Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of any Footway or Causeway on or adjoining to the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon, or shall lay or place on the Walls or Fences of the said Road, or on the Sides of said Road, for any Purpose whatever, any Wool, Woollen or Cotton Cloth, Warp, or Linen, every such Person shall forfeit and pay (over and above the Damage if any occasioned), any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees, or to their Treasurer or Treasurers, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Gates to
open inwards.

LXXV. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road or Footpath belonging thereto, or be suffered to continue so to open, except the
respective

respective Hanging Posts shall be so far removed from the Centre of the said Road, so that no Part of such Gate respectively, when opened, shall swing or hang over any Part of the said Road or Footpaths belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her, or them given, either Personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said County of *Nottingham*, as the Case may require, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate; and shall also forfeit and pay a further Sum not exceeding Five Pounds for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned and applied in manner provided by this Act for the Recovery and Application of Penalties.

LXXVI. Provided always, 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, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County of *Nottingham*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, or into which it leads; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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 their Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do 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 or are or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as

[*Local.*]

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aforesaid,

Respecting
Statute
Work.

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 Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work 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 the 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 Pains, 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, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught 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 or Places 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 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 Forty Shillings; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road.

Statute Duty
not to be
called for,
till Road is
certified by
Justices to
be formed.

LXXVII. Provided always, and it is hereby enacted and declared, That no Person or Persons who is or are or shall be liable to perform Statute Work, or to pay any Composition Money in lieu thereof towards the Repairs of any Part of the Road by this Act authorized to be made, maintained, and kept in Repair, shall be subject or liable thereto until such Road shall be well and substantially formed and made fit and commodious for the Passage of Carriages and Travellers thereon, and until the same shall be certified so to be by Two Justices of the Peace for the County of *Nottingham*, or by the Order of the Justices of the Peace assembled at any General Quarter Sessions to be holden for such County; and the said Justices and Court of Quarter Sessions are hereby respectively authorized

and required, upon a View, or upon due Evidence, to make such Orders accordingly.

LXXVIII. And be it further enacted; That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to compound and agree by the Year, or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tithings, Hamlets, or Places in which the said Road shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance, for the Repair of the said Road, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may compound Statute Duty.

LXXIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for amending, diverting, varying, altering, widening, making, improving, and keeping in Repair the said Road, or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performancé of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees may contract for Repairs.

Contracts to be binding.

LXXX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions 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, or under the Authority of this Act, and such

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the Trustees, &c.

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the same to be levied by Distress of the Goods of such Trustees, or their Treasurer.

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 Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction 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 this Act, or 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.

Recovery of Penalties and Forfeitures,

and Application thereof.

LXXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Nottingham*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be

be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County of *Nottingham*, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXXII. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

LXXXIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of Conviction.

County of Nottingham, } BE it remembered, That on the
 to wit. } Day of in the Year of
 our Lord is convicted before of His
 Majesty's Justices of the Peace for the [specifying the
 Offence, Time and Place when and where the same was committed, as
 the Case shall be.] Given under my Hand and Seal, the Day and Year
 first above mentioned.'

LXXXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such

Proceedings not to be quashed for Want of Form.

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Irregularity

Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on behalf of the Party distraining, before such Action brought.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

LXXXV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Four Calendar Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks of the said Trustees, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizances, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of
Actions.

LXXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or
Defendants

Defendants in every such Action or Suit shall or may, at his and their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Cost.

LXXXVII. 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.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

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