



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 26.

An Act for more effectually repairing and improving the Road from *Foston Bridge*, in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*. [10th May 1799.]

**W**HEREAS an Act was passed in the Twelfth Year of the Preamble:  
Reign of His late Majesty King *George* the First, intituled, 12 Geo. I,  
*An Act for repairing the Road from Spittlegate Hill, near* 12 Geo. I,  
*Grantham, in the County of Lincoln, to Little Drayton, in the County of*  
*Nottingham*: And whereas an Act was passed in the Twelfth Year of 12 Geo. II, and  
the Reign of His late Majesty King *George* the Second, for enlarging the  
Term and Powers of the said recited Act: And whereas an Act was 7 Geo. III,  
passed in the Seventh Year of the Reign of His present Majesty, for recited.  
further enlarging the Term and Powers of so much of the said Two re-  
cited Acts as related to that Part of the Road included therein, which  
leads from *Foston Bridge*, in the said County of *Lincoln*, to *Little Drayton*  
aforesaid: And, whereas considerable Sums of Money have been borrowed  
by the Trustees appointed in or by virtue of the said Acts, on the Credit  
of the Tolls authorized to be taken on the said Road from *Foston Bridge*  
to *Little Drayton*, and which Sums of Money are now due and owing,  
and great Progress hath been made in the Execution of the said Acts as  
to the said Road; but the Money so due cannot be repaid, nor can the  
said Road from *Foston Bridge* to *Little Drayton* aforesaid be effectually  
amended, improved, and kept in Repair, unless the Term of the said  
[Loc. & Per.] 4 A recited

Former Acts  
repealed, and  
this Act to  
take place  
instead.

recited Acts, so far as the same relates thereto, be further continued; and the Powers and Provisions of the said Acts being found in many Respects defective and insufficient for the Purposes thereof, it is expedient that the said recited Acts, so far as the same relate to the said Road, should be repealed, and further and other Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twelfth Year of the Reign of His late Majesty King George the First, the Twelfth Year of the Reign of His late Majesty King George the Second, and the Seventh Year of the Reign of His present Majesty, shall, as soon as a sufficient Number of Trustees appointed by this Act are assembled at their First Meeting, pursuant to the Direction herein-after contained, and shall have proceeded to put this Act in Execution, be, and the same are hereby declared to be repealed; and that instead thereof this Act shall then commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for repairing, widening, and improving the said Road leading from *Foston Bridge* to *Little Drayton* aforesaid; and that this Act, and all the Tolls which shall be collected upon the same Road shall be, and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said recited Acts, (so far as the same relate to the said Road from *Foston Bridge* to *Little Drayton* aforesaid), and to the Payment of all Money which shall or may hereafter be borrowed and become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

Trustees.

II. And be it further enacted, That the Right Honourable *William Henry Cavendish*, commonly called *Marquis of Titchfield*, the Right Honourable *William Bentinck*, commonly called *Lord William Bentinck*, the Honourable *Evelyn Pierrepont*, the Honourable *John Bridgman Simpson*, the Honourable *Richard Lumley Saville*, the Honourable *Henry Willoughby*, Sir *Richard Sutton* Baronet, Sir *Wharton Amcoats* Baronet, Sir *Francis Molyneux* Baronet, *Jonathan Acklom*, *Samuel Allen*, *Job Charlton Brough*, *Francis John Brough*, *Josua Brooke* Clerk, *Peter Pegge Burnell*, *Thomas Bland* the younger, *William Bland*, *John Bewor* Clerk, *Charles Cartwright*, *Sampson Christopher Colclough*, *Sampson Colclough*, *Robert Chaplain* Clerk, *Francis Chaplain*, *John Charlesworth* Clerk, *William Cheales* Clerk, *Samuel Crawley*, *John Cook*, *John Gilbert Cooper*, *John Gilbert Cooper* the younger, *Godfrey Cooper*, *William Dickinson*, *William Rastall Dickinson*, *Edmund Allgood Dickinson*, *Robert Waring Darwin*, *Thomas Derry*, *John Denison*, *Thomas Lacy Dickenson*, *Anthony Hardolph Eyre*, *William Eyre*, *William Eyre* the younger, *John Edwards* Clerk, *Charles Fynes* Doctor of Laws, *George Fillingham*, *William Ffarmerie* the younger, *Francis Ferrand Foljambe*, *John Charles Girardot*, *Edward Smith Godfrey*, *Richard Hutton*, *George Hutton*, *George Hutton* the younger, *William Farnsworth Handley*, *John Handley*, *Benjamin Handley*, *Charles Handley*, *William Handley*, *Richard Hackett* Clerk, *Matthew Harvey*, *Robert Heron*, *Robert Holden*, *Edward Henry Hoare* Clerk, *Jesiah Jessop*, *John Jaland*, *John Jackson*, *John Gally Knight*, *Robert Lock* Clerk, *William Lambe*, *Robert Lowe*, *George Mason*, *William Mason*, *Christopher Morley*, *Samuel Maltby*, *Richard Marshall*, *George Neville*, the Mayor and Aldermen of *Newark* for the Time being, *Jacob Oidoyno*,  
*Roger*



Roger Pocklington, Roger Pocklington the younger, Joseph Pocklington, William Rastall Clerk, Henry Rastall, Robert Rastall, Robert Ramsden, the Senior Bailiff of the Borough of East Retford for the Time being, Thomas Manners Sutton, Joseph Benjamin Smith, Joseph Sikés, Matthew Palmer Shepard, John Scott Clerk, William Tomlinson, William Tomlinson the younger, George Tomlinson, Thomas Thoroton, Thomas Thoroton the younger, William Earle Welby, Richard Welby, Taylor Wollaston White, Edward Ward Clerk, Richard Wagstaff, John Wrigglesworth, the Reverend Waddington of Tuxford, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

III. And be it further enacted, That when any Trustee herein-before named, or to be elected as herein-after is mentioned, shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing, under their Hands, to elect and appoint one other Person to be a Trustee in the Room of the Trustee so dying or refusing to act, but Notice of the Time and Place of every such Election shall be given by the Clerk of the said Trustees, by affixing the same in Writing on all the Turnpike Gates to be continued or erected by virtue of this Act, at least Fourteen Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution, as if he or they had been named a Trustee or Trustees in this Act.

Appointment  
of new  
Trustees.

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, whilst he shall hold any Place of Profit under the same, nor in any Case wherein he shall be personally interested, otherwise than as a Creditor or Lessor of the said Tolls; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting therein he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, above Reprizes, or possessed of or entitled to a Personal Estate of the Value of Three thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate of Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, nor unless (not being such Heir Apparent as aforesaid); he shall, before he acts as such Trustee, take and subscribe the Oath following, before any Two or more of the Trustees appointed or to be appointed by or in pursuance of this Act, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; that is to say,

Qualification  
of Trustees.

‘ I Do swear, That I truly and *bonâ fide* am in my own Right, or in the  
 ‘ Right of my Wife, in the actual Possession and Enjoyment, or Re-  
 ‘ ceipt, of the Rents and Profits of Lands, Tenements, or Hereditaments  
 ‘ of the clear yearly Value of One hundred Pounds, or possessed or en-  
 ‘ titled to a Personal Estate of the Value of Three thousand Pounds [as  
 ‘ the Case may be].

‘ So help me GOD.’

And



And if any Person disqualified by any of the Causes aforesaid, or not being qualified as before mentioned, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, before Two Magistrates, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, That all Acts and Proceedings which shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Time and  
Place of their  
First Meeting.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Town Hall in *Newark upon Trent*, in the said County of *Nottingham*, on the Third Day of *June* One thousand seven hundred and ninety-nine, and proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to, and meet at the same Place, or at such other Place near the said Road, as the said Trustees, or any Five or more of them, shall think proper; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Treasurer to the said Trustees, shall and may, from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed upon the Turnpikes then erected on the said Road, at least Six Days previous to the next proposed Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other convenient Place between *Balderton* and *Little Drayton*, on some convenient Day, within Two Calendar Months after the Day for which such last Meeting was appointed; and in case it shall happen that no such Adjournment shall be made at any Meeting of the Trustees as aforesaid, or that no Notice or Appointment for Meeting shall be given or made by the Trustee or Trustees then present, or by the Clerks or Treasurers to the said Trustees, within Two Calendar Months after such Day of Adjournment as aforesaid, then, and in either of the said Cases, it shall be lawful, at any Time after the Default of such Adjournment or Appointment, for the Treasurer to the said Trustees for the Time being, by Notice in Writing under his Hand, to be affixed on all the Turnpikes then erected on the Road by this Act directed to be repaired, and upon the Market Crosses, or other conspicuous Place, in the Towns of *Newark* and *Tuxford*, to appoint the said Trustees to meet at some convenient Place between *Balderton* and *Little Drayton* aforesaid, at any Time, not sooner than Six Days after the Day on which such Notice shall be given; and that Six Days Notice of all Meetings shall be given in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for the Time being, and affixed upon all the Turnpikes then standing upon the said Road, and upon the Market Crosses, or other conspicuous Place, in the Towns of *Newark* and *Tuxford*



*ford* aforefaid; and the faid Trustees fhall at all their Meetings defray their own Expences; and all Orders and Determinations of the faid Trustees in the Execution of this Act fhall be made at Meetings to be held in purfuanee of this Act, and not otherwife, except as herein particularly mentioned; and that no Order or Determination fhall be made, unlefs the Majority of the Trustees prefent at a Meeting (every Trustee compofing fuch Majority not being perfonally interefted in the Matter or Matters in Queftion) fhall concur therein, fuch Meeting not confifting of lefs than the Number of Trustees by this Act authorized to make fuch Order or Determination; nor fhall any fuch Order or Determination be revoked or altered by any fubfequent Meeting, unlefs Ten Trustees, neither of them being perfonally interefted as aforefaid, fhall be prefent, nor unlefs the Perfon or Perfons applying to revoke or alter any fuch Order or Determination fhall give Notice in Writing to the Clerk of the faid Trustees, to be by him affixed up at all the Turnpike Gates then ftanding upon the faid Road, at leaft Fourteen Days previous to any Meeting to be held for fuch Purpofe; and that all fuch Trustees as are or fhall be Juftices of the Peace may act as Juftices in the Execution of this Act, notwithstanding their being Creditors, Trustees, or Leflors of the faid Tolls, except only in fuch Cafes where they fhall be perfonally interefted: Provided nevertheless, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the faid former Acts or this Act, or receiving Intereft thereout for the fame, fhall not therefore be deemed unqualified.

Trustees being Juftices of the Peace may act as fuch.  
Mortgagees not deemed unqualified.

VI. And be it further enacted, That if after any Adjournment of the faid Trustees it fhall at any Time be thought neceffary that an earlier or other Day or Days of Meeting fhould be appointed than the Day appointed by fuch Adjournment, in that Cafe the Clerk to the faid Trustees upon an Order in Writing figned by any Two or more of the acting Trustees, although not affembled at a Meeting, mentioning the Time, Place, and Purpofe of fuch Meeting, fhall forthwith give Notice thereof by Writing affixed on all the Turnpike Gates then erected upon the faid Road, and of the Time and Place which fhall be mentioned in the Order of the faid Trustees, (fuch Time not being lefs than Seven Days after fuch Notice), and fuch earlier Meeting fhall and may be held accordingly; and all the Proceedings of the Trustees at all fuch Meetings fhall be as valid and effectual as they would have been in cafe fuch Meetings had been held in purfuanee of Adjournments.

Meetings on Emergencies.

VII. And be it further enacted, That the faid Trustees may fue and be fued for or concerning any Thing to be done by virtue or in purfuanee of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or againft the faid Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, fhall abate or be difcontinued by the Death or Removal of any fuch Treasurer or Clerk, nor by the Act of fuch Treasurer or Clerk, without the Confent of the Trustees, or any Five or more of them, but that the Treasurer or Clerk for the Time being of the faid Trustees fhall be deemed Plaintiff or Defendant, as the Cafe may be, in every fuch Action or Suit.

Trustees may fue and be fued in the Name of their Treasurer or Clerk.



Treasurer or  
Clerk to be  
reimbursed  
Expences.

VIII. Provided always, That every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may  
continue and  
erect Turn-  
pike Gates;

and take Tolls.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, may continue the Turnpikes already erected upon the Road by this Act directed to be repaired, and may and shall erect or cause to be erected any other Turnpike or Turnpikes, Gate or Gates, on, upon; across, or on the Side or Sides of the said Road, and across any Lane or Way leading into or out of the same, and also a Toll House or Toll Houses, with suitable Outbuildings and other Conveniences, and may provide a Garden to each such Toll House, at or near each Turnpike or Gate, and may from Time to Time remove, alter, or discontinue the same, or any of them, as the said Trustees, or any Five or more of them, shall think expedient; and that the respective Tolls following shall be demanded and taken at every such Turnpike or Gate, of the Person or Persons attending any Cattle or Carriage, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any such Cattle or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Coach, Landau, Berlin, Chariot, Curricule, Calash, Chaise, Chair, Hearse, Chaise Marine, or other such Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, laden with a Block or Blocks of Stone or Marble, or with Timber, or drawing any Mill Stone or Mill Stones, the Sum of Sixpence:

For every other Waggon, Wain, Cart, or other such Carriage, drawn by more than Six Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Five or Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

For



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

Which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, to be applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed by the said Trustees to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, (and which Assistance all Persons are hereby required to give, if called upon by the Person or Persons appointed to collect such Tolls), to seize and distrain any Horse or Horses, or other Cattle, Beasts, or Goods, or any Carriage whatsoever, upon which such Tolls are by this Act imposed, together with their Bridles, Saddles, Harness, Gear, Accoutrements, or Lading respectively, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unsold of the Things distrained, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls vested in the Trustees.  
Tolls may be levied by Distress, in case of Non-payment.

X. Provided always, and be it further enacted, That no more than Three Tolls shall be demanded or taken from any Person or Persons, for passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes erected, or by virtue of this Act to be erected, on the Road by this Act directed to be repaired, but that all and every Person or Persons having paid Three Tolls on any One Day, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall pass and repass, with the same Horses, Cattle, Beasts, or Carriages, Toll-free, during the Remainder of such Day, through all or any of the Toll Gates or Turnpikes erected or to be erected on the same Road; and that any Person having paid the Toll hereby authorized to be taken as aforesaid at any One such Gate or Turnpike, shall be permitted to pass and repass Toll-free the same Day through the same Gate or Turnpike, with the same Horses, Cattle, Beasts, or Carriage, on producing a Note or Ticket as aforesaid: Provided nevertheless, That no Stage Coach, Diligence, or other publick Carriage whatever, travelling for Hire, for which Three Tolls shall have been paid on any One Day at all, or any, or some or One, of the said Toll Gates or Turnpikes, shall on the same Day be permitted again to pass or repass through any such Toll Gate or Turnpike Toll-free, if such Stage Coach, Diligence, or other publick Carriage, shall be drawn by One or more fresh Horse or Horses or Cattle, either wholly or together with and assisted by any other Horse or Horses or Cattle used before on the same Day in the same Coach, Diligence, or Carriage, but that every such Coach,

For limiting Tolls.



Coach, Diligence, or Carriage, that shall, on passing or repassing through all or any such Toll Gates or Turnpikes a Fourth, or any subsequent Time, on the same Day, be drawn either wholly or in Part by One or more fresh Horse or Horses or Cattle, shall be liable to the same Toll for every Time that it shall so pass, as would have been demandable and payable, by virtue of this Act, in respect of such Coach, Diligence, or other Carriage, travelling for Hire, if the same had not previously, on the same Day, passed or repassed Three Times through all, some, or One of such Toll Gates or Turnpikes.

Disputes  
concerning  
Tolls to be  
settled by a  
Justice.

XI. And be it further enacted, That if any Dispute or Disputes shall happen or arise between the Collector or Collectors of the said Tolls, his or their Servants, Agents, or Assistants, with any Trustee, Treasurer, Clerk, Surveyor, or other Officer employed on the said Road, or with any Passenger or Passengers travelling on the same, relative to the Amount of the Tolls due, or the Charges of keeping any Distress or Distresses, for the Non-payment thereof, by such Collector or Collectors, or any Person or Persons by him or them employed, offering any such Trustee, Treasurer, Clerk, Surveyor, or other Officer, or Passenger or Passengers, any bad or base Coin, or Counterfeit Coin, not being the current Coin of this Kingdom, or by unnecessarily delaying or detaining any such Trustee, Treasurer, Clerk, Surveyor, or other Officer, Passenger or Passengers, or by such Collector or Collectors, or his or their Servants, Agents, or Assistants, or other Person by them employed, making Use of any indecent, scurrilous, or blasphemous Language, then, and in any or either of the said Cases, it shall be lawful for any of His Majesty's Justices of the Peace, residing near the Place where any such Offence or Offences shall be so committed, upon Complaint of the Person or Persons so detained, delayed, or aggrieved, to cause such Collector or Collectors, his or their Servants, Agents, or Assistants, or any Person or Persons by him or them employed, and all other Persons concerned, to appear, and be brought before such Justice of the Peace by Warrant under his Hand and Seal, to make Enquiry of and concerning such Offence or Offences in a summary Way, as well by the Confession of the Parties themselves as by the Testimony of the Person or Persons aggrieved, upon Oath (which Oath such Justice is hereby empowered and required to administer); and if such Collector or Collectors, his or their Servants, Agents, or Assistants, or any other Person or Persons by him or them employed, or any of them, shall be convicted by such Justice of any such Offence or Offences, such Person or Persons so convicted shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings, nor less than Five Shillings, at the Discretion of the Justice of the Peace before whom he, she, or they shall be so convicted, together with all reasonable Costs, Charges, and Expences attending such Conviction.

Toll Collec-  
tors, &c.  
competent  
Witnesses.

XII. Provided always, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and they are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

XIII. And



XIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen, vary, or alter, all or any of the Tolls hereby granted, at all or any of the Turnpikes now erected, or by the Authority of this Act to be erected, on the Road by this Act directed to be repaired, and to raise the same Tolls again, so as they shall not exceed the Tolls by this Act granted, and so as such Reduction or Alteration be with the Consent of the several Persons who shall be entitled to Three Fifth Parts of the Money then due on the Credit of the said Tolls; and such Tolls so lessened, varied, or altered, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may vary the Tolls.

XIV. Provided always, and be it further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes or Toll Gates erected, or by virtue of this Act to be erected, on the Road hereby directed to be repaired, with Cattle, Carts, or other Carriages then employed, or then going to be employed, in carrying Stone, Gravel, or other Materials for repairing the said Road, or for repairing or rebuilding *Muskham* Bridge, or any other publick Bridge on the said Road, or for repairing the Banks of that Part of the River *Trent* which runs through the Parishes of *South Muskham* and *North Muskham*, or for repairing any of the Highways or publick Bridges in the Parishes, Townships, or Hamlets, in which the said Road doth lie, or in any of the neighbouring Parishes, Townships, or Hamlets, or for returning through any such Turnpike or Toll Gate after having been so employed; nor shall any Person or Persons be liable to any of the said Tolls for going or returning through such Turnpikes or Toll Gates, or any of them, with Waggons, Carts, or other Carriages then employed, or then going to be employed, in carrying any Lime, Mould, Dung, or Compost, or any other Sort of Manure whatsoever, for manuring of Grounds, Arable, Meadow, or Pasture Lands, within such Parishes, Townships, Hamlets, or Places, or in carrying Hay, or Corn in the Straw only, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the several Parishes, Townships, Hamlets, or Places, in which the said Road doth lie, or in returning through any such Turnpike or Toll Gate after having been so respectively employed, nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Thing whatsoever employed in Husbandry, for manuring or otherwise cultivating of Land in any such Parishes, Townships, Hamlets, or Places; nor shall any Toll or Duty be demanded or taken, at any of the said Turnpikes, for any Horses or Cattle going to or returning from Pasture or Watering Places belonging to such Parishes, Townships, Hamlets, or Places, or any of the neighbouring Inhabitants living near to the said Road, or for any Sheep going to be washed, or returning after having been washed at any Wash Dyke, River, or other Place used for the washing of Sheep, in or near any Part of the said Road; nor shall any Toll or Duty be paid or demanded for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or

Exemption from Tolls.

Exemption of Carriages and Horses carrying the Mails or Expresses.

[Loc. & Per.]

4 C

Expresses;



Exprefles, or returning back from conveying or guarding the fame, or for the Horses of any Officers, Soldiers upon their March or upon Duty, or going or returning to or from any Place of Exercise, or any Carriages attending them, laden with their Arms or Baggage, or returning empty after having been fo employed, or for Horses or Carriages travelling with Vagrants sent by legal Paffes, or for any Coach, Berlin, Landau, Chariot, Calafh, Chaise, Chair, or other Carriage, or any Horfe or Horses, or other Cattle drawing the fame, or Persons on Horfeback going to or returning from any Election of a Knight or Knights of the Shire to ferve in Parliament for the faid Counties of *Lincoln* and *Nottingham*, or either of them, on the Day or Days of any fuch Election, or on the Day before or the Day after fuch Election fhall begin or be concluded; nor fhall any Toll be demanded or taken of or from any Rector, Vicar; or Curate, going to or returning from his own Parifh Church, or other Place of Divine Worfhip, or vifiting his fick Parifhioners, or from any Perfon or Perfons refiding in any of the faid Parifhes, Townfhips, or Places, for paffing through any of the faid Toll Gates or Turnpikes, to or from his, her, or their refpective Church, Chapel, or other Place of religious Worfhip, on *Sundays*, or any other Day on which divine Service is ordered by Authority to be performed, or for any Cattle or Carriage conveying the Corpfe, or going to or attending the Funeral of any Perfon who fhall be buried in any of fuch Parifhes, Townfhips, or Places, or for any fuch Cattle or Carriage returning from any fuch Funeral; nor fhall any Toll or Duty be paid or demanded at any Turnpike or Toll Gate erected or to be erected upon the faid Road, hereby directed to be repaired, for any Horfe or other Cattle, or any Coach, Berlin, Landau, Chariot, Calafh, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, for paffing on the faid Road for a Space not exceeding Three Hundred Yards; nor fhall any Toll or Duty be paid or demanded at any Turnpike or Toll Gate erected or to be erected on the Side of any Part of the faid Road, for any Horfe or Cattle, or any Coach, Waggon, Cart, or other Carriage, which fhall only crofs the faid Road.

No Toll for paffing Three Hundred Yards, nor for croffing the Road.

Recital of the General Turnpike Act (13 Geo. III, Cap. 84), fo far as it refpects weighing Waggons, &c.

14 Geo. III, Cap. 82. That the Toll for Overweight

XV. And whereas by an Act, paffed in the Thirteenth Year of the Reign of His prefent Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of that Part of Great Britain called England, and for other Purpofes*, the Trustees of Turnpike Roads are empowered to build Cranes, Machines, or Engines proper for weighing Waggons, Carts, or Carriages conveying Goods or Merchandize, and to order all fuch Carriages, which fhall pafs loaded through any Gate or Bar to be weighed, together with the Loading thereof; and by the fame Act fuch Trustees were empowered to receive and take, over and above the Tolls payable for the Time being in refpect of fuch Carriages, the Sum of Twenty Shillings for every Hundred Weight which every Waggon or Cart therein defcribed, together with the Loading thereof, fhould weigh, over and above the Weights by the faid Act allowed to each of them refpectively; but which Penalty or additional Toll for Overweight hath been fince repealed by an Act paffed in the Fourteenth Year of the Reign of His prefent Majesty, whereby other Penalties or Duties are granted in refpect of fuch Overweight; And whereas the additional Toll or Duty made payable as aforefaid for fuch laft-mentioned Waggons, Carts, and Carriages,



Carriages, loaded with greater Weights than are allowed by the said last-mentioned Acts, have been and frequently are evaded by Waggoners and Carriers travelling with Stage Waggon and Carts carrying Goods and Merchandize upon the Road hereby directed to be repaired, by Means of attaching Carts and Carriages to such Stage Waggon and Carts, and filling such Carts and Carriages so attached with Goods and Merchandize, and by other fraudulent Contrivances; be it therefore further enacted, That if any Stage Waggon, Cart, or Carriage, conveying any Goods or Merchandize whatsoever upon the said Road, shall have in any Manner attached, annexed, tied, or joined thereto, any Cart or Carriage of any Description, whether such Cart or Carriage shall be wholly drawn by the Horses or Beasts of Draught employed in such Stage Waggon, Cart, or Carriage, or whether the same shall be drawn by such Horses or Beasts of Draught, with the Assistance of One or more Horse or Horses or other Beast or Beasts of Draught, yoked in or drawing such other Cart or Carriage, it shall and may be lawful for the Collector or Collectors of the Tolls at every Turnpike or Toll Gate now erected or to be erected upon the said Road, or any Person or Persons authorized by them or any of them, and whereat any Crane, Machine, or Engine for weighing Waggon or Carts now is or hereafter may be erected, and he and they are hereby respectively authorized and required to weigh not only every such Stage Waggon, Cart, or Carriage as aforesaid, together with the Loading thereof, but also every such Cart or Carriage (whether loaded or not) so annexed or joined to such Stage Waggon, Cart, or Carriage, together with the Loading of such annexed Cart or Carriage (if any), and the Weight of every such annexed Cart or Carriage, together with the Loading thereof, (if any), and if the same shall not be loaded, then the Weight of such empty Cart or Carriage shall be added to, and be deemed and taken as a Part of the Weight of such Stage Waggon, Cart, or Carriage, with the Loading thereof; and if such respective Weights, when calculated and added together, shall exceed the Weight beyond which an extraordinary Toll or Duty shall be payable by virtue of the said last-mentioned Acts, or either of them, or any other general Act for and in respect of the Kind and Description of Stage Waggon, Cart, or Carriage so weighed, the Excess of such accumulated Weight, over and beyond the Weight which such Stage Waggon, Cart, or Carriage, so weighed, is or shall be allowed by Law to carry without paying any extraordinary Toll or Duty, shall be liable to, and the Collector or Collectors at such Turnpike or Toll Gate, or any Person or Persons by him or them authorized, shall demand and take of and from the Waggoner or Carrier belonging to such Stage Waggon, Cart, or Carriage, in respect of such Excess of Weight, such Sum or Sums of Money, for every Hundred Weight of One hundred and twelve Pounds to the Hundred, as would have been payable if such Stage Waggon, Cart, or Carriage, with the Loading thereof, had of itself, and independently of the Weight of such attached Cart or Carriage with the Loading thereof (if any) exceeded in Weight to the same Extent that such accumulated Weight shall exceed the Weight which such Stage Waggon, Cart, or Carriage, may legally carry, without being liable to an additional or extraordinary Toll, any Law or Usage to the contrary notwithstanding, and the additional Toll hereby granted shall be levied and recovered in Manner directed by the said Act of the Thirteenth Year of the Reign of His present Majesty, respecting

is frequently evaded.

Carts, &c. attached to Stage Waggon, made liable to be weighed.



respecting the Duty thereby imposed on Waggon and Carts carrying Overweight.

Penalty on Persons fraudulently claiming Exemptions, and otherwise avoiding the Tolls.

XVI. And be it further enacted, That if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, who shall not be entitled to the same, or if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, for which a Toll is hereby made payable, pass through or over any Land, Ground, Passage, or private Way, or through or over any Common or Waste Ground adjoining to or lying by the Side of or near to any Part of the said Road, (the same not being a publick Highway), or if any Person or Persons owning or occupying any such Land, Ground, Passage, or private Way, shall knowingly permit or suffer any Person or Persons to pass with any such Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided, or if any Person or Persons shall take or cause to be taken any Horse or other Cattle or Beast from any Carriage, or (after having passed through any Turnpike or Toll Gate) shall put on an additional Horse or Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or shall leave or cause to be left upon or near the said Road any Cattle or Carriage, with an Intent to evade the Payment of the Tolls, or shall with such Intent unload any Goods or other Things from or out of any Carriage, or if any Waggoner or Carrier belonging to any Stage Waggon, Cart, or Carriage, conveying any Goods or Merchandize upon the said Road, shall, on approaching any Turnpike whereat any Crane, Engine, or Machine, for weighing Waggon and Carts is or shall be erected on the said Road, disannex and sever any Cart or Carriage from such Stage Waggon, Cart, or Carriage, in order fraudulently to prevent such Cart or Carriage from being liable to be weighed in Manner before directed, or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any other Person or Persons any Note or Ticket by this Act directed to be given by the Collectors of the Tolls, with an Intent to evade the said Tolls, or if any Person or Persons shall forcibly pass through any Turnpike or Toll Gate with any Horse, Cattle, or Carriage, or shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, every such Person so offending in any of the Cases aforesaid shall, for each Offence, forfeit any Sum not exceeding Five Pounds, nor less than Twenty Shillings, over and besides such Damages and Punishments as they shall respectively be otherwise liable to by Law, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of the Penalties and Forfeitures, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Trustees may compound for Tolls.

XVII. 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, as they shall see Occasion, to compound and agree, for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts whatsoever, travelling upon the said Road or any Part thereof, (excepting Carriages travelling for Hire), for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition Money shall be paid  
in.



in advance Quarterly, or otherwise, as the said Trustees shall think fit, and in Default of such Payment, the Composition shall be void; and all such Composition Money shall be applied in such Manner as the Tolls in respect whereof such Composition shall be made are by this Act directed to be applied.

XVIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to compound and agree with any Person or Persons living or residing in the County of *Nottingham*, who shall drive or own any Carriages, Horses, Cattle, or Beasts whatsoever, (except Carriages travelling for Hire), which shall pass or repass through any Turnpike or Toll Gate erected or to be erected between *Muskham Bridge* and *North Muskham* aforesaid, at a Rate not exceeding Five Shillings *per Annum* for passing through such Turnpike or Toll Gate.

Trustees required to compound at *Muskham* Bar with the Inhabitants of *Nottinghamshire*.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, or any Part of such Tolls, unto any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for Payment thereof, as the said Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the said Tolls are by this Act directed to be applied.

Trustees may lease the Tolls.

XX. And be it further enacted, That the Right and Property of all the Turnpikes, Bars, Rails, and Fences, Toll Houses, and Buildings, which shall be continued or erected by virtue of this Act, with their Appurtenances, and the Right and Property of all the Working Tools and Materials for making or repairing Buildings, or for making, altering, completing, and repairing the said Road, and all other Materials, Matters, and Things provided or collected, or to be provided or collected for any of the Purposes of this Act, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, injure, or spoil the same, or any of them, or disturb the said Trustees, their Agents or Servants, in the Possession thereof.

Turnpike Materials, &c. vested in the Trustees.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they, or any Five or more of them, shall think fit, and may and are hereby empowered to assign over or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same, with the Appurtenances thereunto respectively belonging, (the Costs and Charges of such Mortgages to be

Trustees may mortgage the Tolls.

[*Loc. & Per.*]

4 D

paid



paid out of such Tolls), as a Security to any Person or Persons, his, her, or their Executors, Administrators, and Assigns, or to his, her, or their Trustee or Trustees, who shall advance such Sum and Sums of Money, to secure the Repayment thereof, with such legal Interest as the said Trustees shall think proper; which Money so to be borrowed shall be applied and disposed of in such Manner and for such Purposes as are herein-after mentioned; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of  
Mortgage.

‘ BY virtue and in pursuance of an Act, made in the  
 ‘ Year of His Majesty King George the Third, intituled, [*Here set*  
 ‘ *forth the Title of this Act*], We  
 ‘ of the Trustees of the said Act, whose Names are hereunto subscribed  
 ‘ and Seals affixed, in consideration of the Sum of                      to *A. B.*  
 ‘ the Treasurer of the Turnpike Road in the said Act mentioned, in  
 ‘ Hand paid by *C. D.* of                      do grant, bargain, sell, and  
 ‘ demise unto the said *C. D.* his Executors, Administrators, and As-  
 ‘ signs, such Proportion of the Tolls arising upon the said Road, and  
 ‘ of the Turnpikes and Toll Houses for collecting the same, as the said  
 ‘ Sum of                      doth or shall bear to the whole Sum due  
 ‘ and owing upon the Credit thereof, or charged upon the Term of the said  
 ‘ Act, to be had and holden by the said *C. D.* his Executors, Administrators,  
 ‘ and Assigns, from the                      Day of                      in the Year of our  
 ‘ Lord                      for and during the Continuance  
 ‘ of the said Act, unless the said Sum of                      with  
 ‘ Interest after the Rate of Five Pounds *per Centum per Annum*, shall be  
 ‘ sooner paid and satisfied to the said *C. D.* his Executors, Administrators,  
 ‘ or Assigns. In Witness whereof we have hereunto set our Hands and  
 ‘ Seals, the                      Day of                      in the Year of  
 ‘ our Lord

Copies to be  
entered.

Trustees not  
liable in their  
private Capa-  
cities.

Mortgages  
may be as-  
signed.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but nothing in this Act contained shall extend or be construed to extend to charge or subject the said Trustees, or any of them, or the Persons appointed to receive the said Monies, or any Part thereof, to any Payment of the same, by reason of their or any of their signing any Mortgages or Assignments, or other Securities to be made in pursuance of this Act; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of this Act, or who shall be entitled to the Money thereby respectively secured, is hereby empowered, from Time to Time, by Assignment under his or her Hand, to be indorsed on the Back of his or her Security, or by any other Writing or Writings under his or her Hand, before One credible Witness, to assign over and transfer his or her Right and Title to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect:

Form of  
Transfer.

‘ I Do hereby transfer and assign over this Mortgage, [*or, a certain Mort-*  
 ‘ *gage, &c. as the Case may be*], with all my Right and Title to the  
 ‘ Principal Money thereby secured, and all Interest now due on the same,  
 ‘ unto                      his Executors, Administrators, and  
 ‘                      Assigns.



‘ Assigns. In Witness whereof I have hereunto set my Hand the  
‘ Day of

A. B.’

‘ Witness C. D.’

All which Transfers or Assignments shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Numbers, Dates, Names of the Parties, and the Sums of Money therein mentioned to be transferred in the Book or Books to be kept for entering the said original Mortgages and Assignments, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more, out of the Monies to arise by virtue of this Act; which said Book and Books, shall at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made, but not till then, such Transfer shall entitle such Assignee or Assignees, 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 or Transfer shall be made as aforesaid, shall, in proportion to the Sums thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Money or the Dates of the Securities.

XXII. Provided always nevertheless, That all Persons who have already advanced any Sum or Sums of Money on the Credit of the said former Acts, or any of them, shall, in respect of such Sum or Sums of Money so advanced, have a prior Claim upon the Tolls to be collected by virtue of this Act, to any other Creditor under the same.

Persons who have advanced Money under the former Acts, to have a prior Claim in respect thereof.

XXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said former Acts, or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in Manner, and transferrable as herein before mentioned.

Old Mortgages may be called in and new ones granted.

XXIV. And be it further enacted, That out of any Monies already received by virtue of the said Acts, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Costs and Expences relative to procuring and passing this Act, and the Remainder of the Money so raised or received shall from Time to Time be applied in putting this Act in Execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

Application of the Money.

XXV. And be it further enacted, That the said Trustees, or any Five or more of them, present at their First or any subsequent Meeting, by any Writing under their Hands, shall, and may continue, or nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said

Appointing Officers.



said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think proper, and from Time to Time shall and may remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, as such Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die or become incapable of performing their Duty; and may and are hereby authorized and empowered, out of the Monies to arise by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such Persons as shall assist them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Service as the said Trustees, or any Five or more of them, shall think reasonable; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively 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 shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees is hereby empowered to administer); and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, or Writings, in 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 any Five or more of them, or by any 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 Officers, Person or Persons so neglecting or refusing, shall live or reside, such Justice may and is hereby authorized and required by Warrant or Warrants to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their 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 or Accounts, if produced in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice, that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers,

Person

Salaries.

Officers to  
account,or be punish-  
ed.



Person or Persons, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found, sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, or Writings as aforesaid, then, and in either or any of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make, or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, That no Person who shall be committed for Want of a sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

XXVI. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Money by virtue or on account of the said former Acts, or any of them, and shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for the same, and every Part thereof, to the said Trustees, in like Manner, and under the like Penalties as the several other Officers and Persons are herein-before directed to account.

Persons who have received Tolls, &c. by virtue of former Acts, to account with Trustees in like Manner.

XXVII. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaviour, Negligence, or Absence of any Collector or Receiver of the Tolls hereby granted, the Treasurer, and any Three or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable,

Trustees may appoint temporary Collectors.

[Loc. & Per.]

4 E.

abscond,



For Recovery  
of Possession of  
Toll Houses,  
&c. from Col-  
lectors, &c.

abscond, misbehave, or absent himself, which Person so nominated and appointed shall have the like Powers and Authorities, and be answerable and accountable in the same Manner in all Respects as the Person he shall succeed would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by the said Trustees as aforesaid, 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 abscond as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House, Building, or Premises already erected or to be erected on the said Road by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House, Building, and Premises shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such Toll House, Buildings, and Premises, 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 or more of them, or their new-appointed Officer, into Possession thereof.

Treasurer, &c.  
to give  
Security.

XXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from the Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, to be appointed as aforesaid, for the due Execution of his or their Office or Offices, as they the said Trustees, or any Five or more of them, shall think proper.

Victuallers  
not to hold  
Places of  
Profit.

XXIX. And be it further enacted, That no Victualler, or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Trust or Profit under this Act.

Surveyors may  
get Materials  
for mending  
the Road.

XXX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away, any Furze, Heath, Gravel, Stones, Sand, Flint, Chalk, and other Materials, for making and repairing the said Road, out of or from any Common or Waste, River or Brook, in any Parish, Township, Hamlet, or Place in which any Part of the said Road lies, or in any neighbouring Parish, Township, Hamlet, or Place, within Six Miles of any Part of the said Road, without paying any Thing for the same, such Surveyor or Surveyors, or other Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, search for, dig, get, gather, and take away, any such Materials in and out of the private Lands, Fields, or Grounds, of any Person or Persons, where the same may be found and had, such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, or Paddock, Walk or Avenue to a House, or any Piece of Ground planted

and



and set apart as a Nursery for Trees; making or tendering such Rate, for such Materials, to the Owners of such Grounds, and also such Satisfaction for the Damages done by getting and carrying away such Materials, to the Owners or Occupiers of the Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making and repairing the said Road, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning such Payments or Damages, the Justices of the Peace, at their next General Quarter Sessions, or the Second General Sessions at the farthest, to be holden for the County where the Cause of Complaint shall arise, on Five Days Notice thereof being given in Writing by either Party to the other, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of such Justices therein shall be final and conclusive to all Parties; and the Money so adjudged shall be paid on Demand by the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors.

Making Satisfaction to the Owners of Lands.

XXXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority 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 Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier, shall attend pursuant to such Notice, the said Trustees, or such Justices, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or to such Justices, shall seem proper; and if such Land Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or such Justices, shall and may 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 to the Occupiers of Lands before Materials are to be taken therefrom.

XXXII. And be it further enacted, That if any Person shall take away any Materials which shall have been dug, got, or gathered, in any Lands, Fields, Wastes, or Commons, River or Brook, for the Purpose of making or amending the said Road, or shall dig, get, or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of procuring Materials for the said Road, before the Surveyors, or their Workmen, shall have discontinued working therein for the Space of Twenty-eight Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on taking away Materials, etc. got by Order of the Surveyor.

XXXIII. And



Trustees may contract for repairing the Road.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered to contract with any Person or Persons for making, widening, altering, turning, or amending the said Road, or any Part thereof, or for the erecting of any Building, or any Mile and Direction Stones or Posts, 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, Treasurer, Surveyor, or other Officer, with any Workmen or other Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties as shall sign the same, his, her, or their Executors; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements; and such Sum or Sums of Money as shall or may be requisite for the Completion of any Piece of Work, or any other Matter or Thing to be done by virtue of this Act, and which, by such Contracts and Agreements respectively, the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit; any Law or Usage to the contrary notwithstanding.

Surveyors may remove Annoyances;

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Persons as they shall appoint, from Time to Time to remove all Annoyances made in any Part of the said Road, by Timber, Stone, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to sell or otherwise dispose of the same for the Benefit of the said Road, 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 thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for the Purpose, under the Hand or Hands of such Surveyor or Surveyors; and by and with the Consent of Two or more Justices of the Peace for the County, acting in their Petty Sessions, signified under their Hands and Seals, and not otherwise, to cut down any Timber Trees; and it shall be lawful for such Surveyor or Surveyors, from Time to Time, to lop any Timber Trees, and to lop or top any other Trees, and cut down any Shrubs or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Four Feet, and to take, carry away, and sell the Wood so cut, and apply the Money arising therefrom in Repair of the Road whereon or near whereunto the same stood, in case the Owners or Occupiers shall neglect to lop or top, or cut down and remove such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Twenty-one Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion House belonging

and cleanse Ditches;

and cut down Trees, Bushes, &c.

and carry away and sell the same; the Owners neglecting to remove the same after Notice;



longing to the Land on which the same shall stand, or where the Occupier or Tenant shall reside, under the Hands of Five or more of the said Trustees; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in the like Kind, every such Person shall, for every such subsequent Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Twenty Shillings.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence in Annoyances.

XXXV. And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, without any Horse or Beast of Draught harnessed or yoked thereto, or to draw the same, or shall knowingly or wilfully lay any Sort of Timber or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever, in any Part of the said Road, or on the Sides thereof, to the Prejudice thereof, or the Annoyance of Passengers, or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone, (Mill Stones excepted), otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree, or Piece of Timber or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice thereof, or if any Person or Persons shall kill, slaughter, singe, scald, or dress, any Horse, Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in or upon any Part of the said Road, or hew or saw any Piece of Stone, Wood, or Timber, or bind, make, or repair, the Wheel of any Carriage, or shoe, bleed, or farry, any Horse or other Beast, or slake, mix, or wet any Lime, or mix up any Mortar in or upon any Part of the said Road, to the Prejudice or Annoyance thereof, every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

For preventing Annoyances.

XXXVI. And whereas divers Persons owning, renting, or occupying, Lands abutting upon the Road intended to be repaired by this Act, do frequently, in ploughing such their Lands, turn their Ploughs upon the said Road, and thereby break up and very much damage the same; for Remedy whereof, be it further enacted, That if any Person or Persons whomsoever, owning, occupying, or renting any Lands abutting upon any Part of the said Road, shall, either by himself, or his, her, or their Servant or Servants, directly or indirectly plough, or cause his, her, or their Ploughs to be turned in or upon any Part of the said Road, or shall cross the said Road with such Plough, to the Prejudice or Damage of such Road, every Owner or Occupier of such Lands, or his, her, or their Servant or Servants, shall, for every such Offence, forfeit and pay to the said Trustees any Sum not exceeding Ten Shillings, nor less than Five Shillings, to be recovered and disposed of in such Manner as the other Penalties or Forfeitures are, by virtue of this Act, directed to be recovered, levied, and disposed of.

Penalty on Persons turning Ploughs upon the Road.

XXXVII. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors of the said Road, or such Person or Persons as he

Surveyor may make Causeways, &c.

[Loc. & Per.]

4 F

or



and make a  
temporary  
Road;

and erect  
Bridges, &c.

or they shall appoint, by Order of the said Trustees, or any Five or more of them, to continue, or to make or cause to be made Causeways, and also Ditches or Drains, in and upon or on the Sides of the said Road, and also through any Grounds laying contiguous thereto; and also to make a Road through the Grounds adjoining or laying near any hollow Way, or narrow or ruinous Part of the said Road, (such Grounds respectively not being the Ground whereon any House stands, nor 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 as a publick Highway, whilst the old Road is repairing and widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace at their next General Quarter Sessions, at the farthest, to be holden for the County where the Cause of Complaint shall arise, to hear, settle, adjudge, and finally determine the Recompence to be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon, through, or over any Moor, Common, or Waste Ground.

Surveyors not  
to stop Water-  
courses sup-  
plying Ponds,  
&c.

XXXVIII. Provided always, That nothing in this Act contained shall extend or be construed to extend to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen, or Agents, to stop, divert, or dispose of any Water or Watercourses; either in or through any publick or private Ground; that shall contribute towards filling or supplying any publick or private Pond, Bason, Canal, or Reservoir of Water, until every such Pond, Bason, Canal, and Reservoir shall be sufficiently supplied and filled, and the Water run waste; and that whenever a Supply of Water shall or may be needful or convenient to any such Pond, Bason, Canal, or Reservoir, it shall and may be lawful to and for the Owners or Occupiers thereof to stop and dam up such Watercourse as may have been made in pursuance of this Act, by Order of the said Trustees or their Surveyors; and to bring back the Water to any such Pond, Bason, Canal, or Reservoir, until the same shall be again sufficiently supplied and filled, and the Water run waste, and so from Time to Time as often as such Owners or Occupiers shall think fit and convenient.

Penalty on  
obstructing  
Surveyors,  
&c.

XXXIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, any Collector or Collectors of the Tolls in the Execution of this Act, or any Surveyor or Surveyors, or other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, taking, or carrying away Furze, Heath, Sand, Gravel, Stones, or other Materials for altering, widening, or repairing the said Road, or  
in



in topping, lopping, cutting down, or carrying off any Tree, Top, Lop, or Overhangings, or digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, altering, varying, turning, shortening, or amending the said Road, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings.

XL. And be it further enacted, That the said Trustees, or any Five or more of them, shall be, and they are hereby fully empowered, from Time to Time, as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, and to make any new Road, or vary the Road through any Commons or Waste Lands, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Tenements, or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Husbands, Guardians, Feoffees, Trustees, Committees, Executors, and Administrators, and all other incapacitated Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory or Understanding, and to and for all Femes Covert who are or shall be seized or possessed of or interested in any such Lands, Tenements, or Hereditaments, and to and for all and every Person and Persons whomsoever, possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any Part of such Lands, Tenements, or Hereditaments, for any of the Purposes aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage, to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Husbands, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, shall be, and are hereby indemnified for what they shall do by virtue of this Act.

Trustees may vary the Road, and contract for the Purchase of Lands to be taken into their Roads.

Bodies Politick, &c. may treat for the Sale of Lands, &c.

XLI. And be it further enacted, That if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Feoffee in Trust, or any other Trustee whomsoever, Committee, Executor, or Administrator, or any other Person whomsoever, interested in any Lands, Tenements, over which, upon, or through which the said Trustees, or any Five or more of them, shall think proper to make, divert, turn, or alter any Part or Parts of the said Road, shall,

If any Person refuse to treat, or cannot agree, the Matter to be settled by a Jury.



shall, for the Space of Thirty Days after Notice in Writing for that Purpose given to him, her, or them, or left with or at the House or Place of Abode of the Tenant in Possession of the respective Lands, Tenements, or Hereditaments, neglect or refuse to contract or treat with, or shall not agree in the Premises, or by reason of Absence shall be prevented from contracting or treating with the said Trustees, or any Five or more of them, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, Fourteen Days before any General Quarter Sessions of the Peace to be holden for the County, District, or Place in which such Lands, Tenements, or Hereditaments lie, to cause to be given to such Owner or Owners, or to the principal Officer or Officers of such Bodies Politick or Corporate, or to be left at the House of the Tenant or Tenants in Possession of such Lands, Tenements, or Hereditaments, Notice in Writing, therein denoting or describing the Lands, Tenements, or Hereditaments over, upon, or through which any Part of the said Road shall be intended to be diverted, turned, or altered, and purporting that the Value of such Lands, Tenements, or Hereditaments, or the Damage which may be thereby done to the same, will be assessed, settled, or adjudged by a Jury at the said Sessions; and the Justices at such Sessions, or at some Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury who shall attend at such Session, (or some other Jury of Twelve indifferent Men, to be then and there impannelled and returned by the Sheriff of the said County, without Fee or Reward), and cause them to be sworn well and truly to assess the Value of the Lands, Tenements, or Hereditaments, comprized in the said Notice, and the Damage or Recompence to be given for the same to the respective Owner or Owners thereof; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered, and they may from Time to Time, as Occasion shall require, order a View, and summon and call before such Jury, and examine upon Oath, to be administered by any One of them, all and every such Person and Persons as shall be thought necessary and proper to be examined concerning the Lands, Tenements, or Hereditaments in question, and the Nature, Quality, Quantity, and Value thereof, and may use all lawful Ways and Means, as well for their own as the said Jury's Information therein; to which said Jury the said Trustees, and all Parties interested, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid (which Oath the said Justices are hereby also empowered and required to administer) shall, by their Verdict, assess the Damages or Recompence to be given for the same to the respective Owner or Owners or Persons interested, according to their respective Interests therein; which Verdict or Inquisition of the said Jury, and the Judgement of the said Justices upon the same, shall be final, binding, and conclusive to all Parties; and that, from and after such Verdict or Inquisition and Judgement, and after Payment or Tender of the Recompence thereby ascertained to the respective Owner or Owners of such Lands, Tenements, or Hereditaments, or their Guardians, Trustees, or Agents, or if any Person or Persons cannot be found, or in case of Refusal to accept of such Recompence, then upon leaving the same in the Hands of the Treasurer or Clerk to the said Trustees, for the Use of such Person or Persons, and Notice thereof in Writing by the Treasurer or Clerk being given to or left at the Dwelling House or last Place of Abode of the Tenant or Tenants in Possession of such Lands, Tenements,

or



or Hereditaments, the said Trustees, or any Five or more of them, shall, and they are hereby empowered to cause the said Road to be diverted, turned, or altered, over or through such Lands, Tenements, or Hereditaments, and to cause the same to be ditched or fenced off in such Manner as the said Trustees, or any Five or more of them, shall think fit; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, or Hereditaments; and all such Lands, Tenements, or Hereditaments, over and through which any Part or Parts of the said Road shall be so diverted, turned, or altered, or which shall be made a Part or Parts of the said Road by virtue of this Act, shall be deemed a publick Highway, and be from thenceforth for ever Part of the said Road; and shall be amended, repaired, and kept in Repair, in such Manner as the said Road is by this or any other Law to be amended, repaired, and kept in Repair.

XLII. And be it further enacted, That in case any Jury or Juries to be charged and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Tenements, or Hereditaments, or for any Loss or Damage, as aforesaid, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the charging and swearing the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Monies arising by virtue of this Act; but if any Jury or Juries so charged and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the charging and swearing of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Tenements, or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and 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 or Justices of the Peace for the County, District, or Place, not interested in the Matter in question, (who is or are hereby empowered and required to examine, ascertain, 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 and Tender of the whole Sum or Sums so 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 such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

How the Expences of the Jur, &c. are to be borne.



Persons being absent to be charged with only One Moiety of the Expences.

XLIII. Provided always, and it is hereby declared, That in Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, One Moiety of such Costs and Expences shall be deducted out of the Purchase Money, and the other Moiety shall be borne and paid by the Trustees in Manner aforesaid.

Money allowed for Land, &c. how to be charged and tendered.

XLIV. 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 the Money to arise by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or, as the Case may require, to the Parties or Persons respectively entitled to the same, or to their Agents, after deducting such Proportion of Expences as aforesaid (if any be) and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands, Tenements, or Hereditaments, and to lay out, make, widen, divert, or turn such Road, in, upon, through, or over such Lands, Tenements, or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and all Lands, Tenements, and Hereditaments, which shall be made Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter a common Highway, and shall be repaired and kept in Repair as such; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments; and after any such new Road shall be so completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, at a Price fixed by the said Trustees, or may be exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purpose of this Act; and all Deeds of Exchange or Conveyance, executed by the said Trustees, or any Five or more of them, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down any Dwelling House or other Building, or to take in any Land that is a Garden or Orchard, adjoining to any Dwelling House, or any Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof: Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, exchanging, or purchasing of any Lands, Tenements, or Hereditaments wherein he shall be particularly concerned or interested.

Lands when purchased to be made Part of the Road, and kept in Repair as such.

Land of the old Road to be sold.

Buildings or Gardens not to be injured.

For disposing of Purchase Monies.

XLV. And be it further enacted, That if any Money or Recompence shall be to be paid for any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity, as aforesaid, such Money shall, in case



case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the said Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, for the Purposes of this Act, were settled, limited, or assured; and in the mean Time and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privy 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, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General, in the said Navy and Victualling Bills or Exchequer Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases can be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct, and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank; and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, or Hereditaments, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the  
the



the Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, by virtue of this Act; and in case any such Money shall be less than the Sum of Twenty Pounds, then the same shall be paid to the Person or Persons, Party or Parties respectively entitled thereto.

Trustees, &c.  
may enter  
Lands to  
make the  
Roads.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the said Lands, Grounds, and Premises, for widening, varying, or altering the Road hereby directed to be repaired, and to stake out the same in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, or Premises respectively, for any the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done to the Land or Ground on the Sides of any Part of the said Road that shall be varied, turned, altered, or widened, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; 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 such Road, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Forty Shillings, nor less than Five Shillings.

Persons liable  
to repair par-  
ticular Parts  
of the said  
Road, Bridges,  
&c. to con-  
tinue so.

XLVII. And be it further enacted, That where any particular Part of the said Road, or any Bridge, Drain, or Sewer, being in and upon the said Road, which hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of any Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Parish, Township, or Place therein, every such Part of the said Road, and every such Bridge, Drain, or Sewer, so lying in and upon the said Road, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politick or Corporate, County or Counties, Parishes, Townships, or Places, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the said Road, or any such Bridge, Drain, or Sewer shall lie, and they are hereby required and empowered, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner the same, from Time to Time, shall be maintained and kept in Repair.

Lands,  
Rents, &c.  
chargeable  
to the High-  
ways to con-  
tinue so.

XLVIII. And be it further enacted, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents, Profits, Sum or Sums of Money issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall



shall be liable or chargeable towards the repairing or amending of the said Road, or any Part thereof; such Lands, Tenements, or Hereditaments, Rents, Profits, Sum and Sums of Money issuing as aforesaid, shall remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered and received, shall be applied, from Time to Time, for and towards amending the said Road.

XLIX. And be it further enacted, That all and every Person and Persons, who by Law are or shall be chargeable with Statute Work, within the Parishes, Hamlets, and Places, where any Parts of the Road hereby directed to be repaired do lie, shall yearly and every Year (if thereunto required by the said Trustees, or any Five or more of them, or their Surveyors or Surveyor) do and perform such Proportion of Statute Work, and on such Part or Parts of the said Road, within their respective Townships, Parishes, Places, Hamlets, and Divisions, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Road, shall direct and require; and that every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, within any of the said Townships, Parishes, Places, Hamlets, and Divisions respectively, shall be deemed and taken to keep a Team therein; and for every Fifty Pounds a Year, which he shall so rent, hold, or occupy, shall do Statute Work with One Team upon the said Road, for so many Days, not exceeding Six Days in the Year, as shall be required by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, as aforesaid.

Inhabitants to  
do Statute  
Work.

L. And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Townships, Hamlets, and Places, where, or in, or for which any Surveyor or Surveyors usually have been or ought to be chosen, shall, and they are hereby required, within Ten Days after Notice in Writing, signed by the Clerk, Treasurer, or Surveyor to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be held by them pursuant to such Notice, true and perfect Lists in Writing, upon Oath, (if thereunto required by the said Trustees, or any Five or more of them), of the Names of all the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments in such Parishes, Townships, Hamlets, and Places respectively, that are liable to do Statute Work, (which Oath the said Trustees, or any One or more of them, are and is hereby empowered to administer), and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, or are deemed by Law to keep a Team or Teams,

Surveyors of  
the Highways  
to deliver in  
Lists of Per-  
sons liable to  
do Statute  
Work.

[*Loc. & Per.*]

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and



and what Lands, Tenements, or Hereditaments, and to what Annual reputed Value, they respectively occupy, and which of them are Labourers, or liable to do their Statute Duty as Labourers only, and shall, within Ten Days after Notice shall be given them, or any of them, by the Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid he would have to do their Statute Work in or upon any Part or Parts of the said Road; summon or give publick Notice thereof to the respective Persons so chargeable as aforesaid; and if any such Parish Surveyor or Surveyors shall not deliver in such Lists as aforesaid respectively, at or before such Times, and in such Manner as by this Act is required and directed to be delivered, or shall refuse to verify the same upon Oath, if thereunto required, or if the Name or Names of any Person or Persons which ought to have been inserted in such List or Lists are by Design omitted, or if such Surveyor or Surveyors shall refuse or neglect to give publick Summons or Notice to such Persons who ought by Law to do and perform such Statute Work as aforesaid, according to the Directions of the Surveyor appointed by the said Trustees, such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, any Sum not exceeding Ten Pounds, nor less than Twenty Shillings; and if all or any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments in the said Parish, Township, or Place, being obliged by Law to do Statute Work in and upon the Highways, shall not do so much Statute Work in and upon the the said Road, within their respective Parishes, Townships, Hamlets, or Places, at such Times and Places, and in such Manner as they shall by the said Turnpike Surveyor or Surveyors be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums of Money herein-after mentioned, (that is to say), every such Inhabitant or Person who shall keep, or, by virtue of the Laws in being, is compellable to furnish a Team or Teams, for every Day's Default of every Team, any Sum not exceeding Twelve Shillings, nor less than Six Shillings; and every Inhabitant or Person liable to work on the said Road as a Labourer only, or to find or send One or more Labourer or Labourers thereon, for every Day's Default of himself and every such Labourer or Labourers, any Sum not exceeding Three Shillings, nor less than One Shilling and Sixpence; and if any Person or Persons, who shall come as a Labourer or Labourers, or be sent with any Team or Draught to work on the said Road, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby empowered to remove and turn off such Person and Persons, and in that Case the respective Forfeitures and Payments before mentioned shall be incurred and become payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught had not been sent out.

Penalty on  
Non-performance.

Appeal to  
Petty Sessions  
if too large a  
Proportion of  
Statute Labour  
is imposed.

LI. Provided always, and be it further enacted, That if the Surveyor or Surveyors for the Time being, or other Inhabitants of the Parish, Township, Hamlet, or Place, wherein the said Road shall lie, shall think the said Trustees, or their Surveyors, have appointed too large a Proportion of Statute Work to be done by the Inhabitants of any such Parish, Township, Hamlet, or Place, on or on Account of any Part of the said Road, it shall be lawful for such Surveyor or Surveyors, or other Inhabitants as aforesaid, to appeal to any Petty Sessions to be holden for the Division



Division or District wherein such Parish, Township, Hamlet, or Place shall lie, and the Justices of the Peace at such Petty Sessions are hereby empowered and required finally to adjust and determine what Proportion of Statute Work shall be performed by the Surveyor or Surveyors, or other Inhabitants of such Parish, Township, Hamlet, or Place, on or on Account of the said Road, such Surveyor or Surveyors of the Highways, or other Inhabitants, giving Fourteen Days previous Notice of such intended Appeal to such Turnpike Surveyor or Surveyors.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, at a Meeting to be held pursuant to this Act, whereof Twenty-one Days Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike Gates then erected on the said Road, may, and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted, at the Expence of the Revenues arising from the Tolls granted by this Act, against the Inhabitants of all or any of the Parishes, Townships, Hamlets, or Places, through which the said Road doth or shall pass, and against every Person or Persons liable, by reason of his, her, or their Tenure, or otherwise, to repair and make any Part of the said Road, who shall have neglected or refused to repair and make the same.

Indictments to be preferred against Persons not repairing the Roads; &c.

LIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch, Causeway, Drain, or Sewer, or with any Person or Persons, for the Performance of his or their Statute Work; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, or Places, or the Churchwardens or Overseers of the Poor thereof respectively, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, Hamlets, or Places, first had at any Vestry or other publick Meeting of such Inhabitants; to compound and agree for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute Work to be done upon any Part or Parts of the said Road; all which Composition Money shall be from Time to Time paid in Advance to the Clerk or Treasurer of the said Trustees, and shall be applied in the Repair of the said Road, within such respective Parish, Township, Hamlet, or Place, by which such Composition Money shall be raised and paid; and all such Surveyors, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of Highways are by Law to be reimbursed the Money by them expended in buying Materials for repairing the Highways.

Statute Duty and other Repairs may be compounded for.

LIV. And be it further enacted, That if any Surveyor or Surveyors of the Highways of any of the Parishes, Townships, Hamlets, or Places, in which any Part of the said Road doth lie, or any Churchwardens or Overseers of the Poor of such Parishes, Townships, Hamlets, or Places,

Parish Surveyors, etc. where Composition for Statute Duty, etc. shall be



made, to give  
an Account  
on Oath to the  
Trustees of  
such Composi-  
tion Money.

shall receive any Composition Money from the Possessors, Occupiers, Grantees, Trustees, Feoffees, or Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Road, or from any Person or Persons, for the Performance of his or their Statute Work, pursuant to any Agreement for compounding Statute Work, made with the Trustees of this Act, as herein-before directed, such Surveyor or Surveyors of the Highways, Churchwardens, and Overseers of the Poor, shall, under their Hands; at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all such Composition Money which shall have been received by them respectively, and shall pay all such Monies to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all such Surveyors of the Highways, Churchwardens, and Overseers, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath such Trustees, or any One of them, are and is hereby empowered to administer), verify their said Accounts; and if any such Surveyor or Churchwarden, or Overseer, shall not make and render, or refuse to verify upon Oath any such Account, or to make Payment as aforesaid, then and in every such Case the said Trustees, or any Five or more of them, shall have Power, from Time to Time, to impose upon such Surveyor, Churchwarden, or Overseer, so making Default, any Fine or Fines, not exceeding Five Pounds, nor less than Forty Shillings, for every such Offence.

Inhabitants of  
Newark and  
Great Mark-  
ham to do only  
One Day's  
Statute Work.

LV. Provided always, and be it further enacted, That the Inhabitants of the Towns of *Newark* and *Great Markham*, in the said County of *Nottingham*, shall not, nor shall any of them, at any Time, during the Continuance of this Act, be required, compelled, or compellable to do and perform any more than One Day's Statute Work in each Year, for any one Person or Team, in or upon any Part of the Road by this Act directed to be repaired; any Law, Statute, or Usage, to the contrary notwithstanding.

Roads may be  
measured, and  
Mile Stones or  
Posts and Di-  
rection Posts  
set up.

LVI. And be it further enacted, That the said Trustees, or any Five or more of them, may, if they shall think fit, cause the said Road to be measured; and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of any such Stone or Post from any Town or Place; and also such and so many Direction Posts, and Posts or Stones with Lamps, for the Accommodation of Travellers, as the said Trustees shall think proper; and if any Person or Persons shall wilfully pull up, break, or damage any such Stone or Post, or any Stone or Post already erected, or shall obliterate or deface any of the Letters, Figures, or Marks thereon respectively, or cause the same to be done, or if any Person shall ride upon any Causeway or raised Walk erected, or to be erected, on either Side of the said Road, or shall wilfully drive any Horse, Beast, or other Cattle, or any Carriage thereon, or shall cause any Damage to be done to such Causeways or raised Walks, or if any Driver of any Carriage, or other Person, shall wilfully or carelessly break or damage any Post or Stone erected, or to be erected, for the Security  
of



of such Causeways, or drive the Wheel or Wheels of any Carriage against the same, or the Sides thereof, and be thereof convicted before any Justice of the Peace for the County or District wherein the Offence shall be committed, by the Confession of the Party, or by the Oath of any One or more credible Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer), every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings, with all reasonable Charges, One Moiety of which Penalty or Penalties shall be paid to the Informer, and the other Moiety shall be paid to the said Trustees, or to their Treasurer or Clerk, to be applied in such Manner as the other Penalties are herein-after directed to be applied; and every such Offender, in any of the said Cases, shall and may be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender before a Justice of the Peace for the District where such Offence or Offences shall be committed, to be dealt with according to Law and the Directions of this Act.

LVII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed, (if the Manner of levying and Recovery thereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County of *Lincoln* or *Nottingham*, (as the Case may be), or any One Justice of the Peace of the County or Place wherein the Offender shall be and reside, either by the Confession of the Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), be levied 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 for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in Repairs of the said Road; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, 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 or House of Correction of the County or Place where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, nor less than Fourteen Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

LVIII. And be it further enacted, That if any High Constable, Petty Constable, Headborough, Tything Man, or other Person whomsoever, duly authorized for that Purpose, shall willingly, knowingly, or contemptuously neglect or refuse to obey and execute any Summons, or

Constables, etc., to execute Orders of the Trustees.

[Loc. & Per.]

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other



other Precept in Writing under the Hands and Seals of any Five or more of the said Trustees, for putting this Act in Execution, every such Person so authorized, offending in the Premises, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings, One Moiety thereof to the Informer, and the other Moiety thereof to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing the said Road, to be levied on such Person or Persons in the same Manner as the other Penalties and Forfeitures are by this Act directed to be levied; and the said Trustees, or any Five or more of them, may and are hereby empowered to direct the Treasurer for the Time being to reimburse such Constable, or other Officer or Officers, for his or their Loss of Time, Trouble, or other necessary Expences, in the due Execution of his or their Duty, in pursuance of this Act, such Sum or Sums of Money as such Trustees shall think fit, out of the Monies to arise by virtue of this Act.

Trustees may reimburse such Constables, etc.

LIX. And, for the more easy and speedy 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, as the Case shall happen, or in any Form of Words to the same Effect:

Form of Conviction.

‘ **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in  
 ‘ the \_\_\_\_\_ Year of His Majesty’s Reign, *A. B.* is  
 ‘ convicted before \_\_\_\_\_ of His Majesty’s Justices of the Peace for  
 ‘ the County of \_\_\_\_\_ [*specifying the Offence, and Time*  
 ‘ *and Place when and where the same was committed, as the Case shall be*].  
 ‘ Given under our Hands and Seals the Day and Year aforesaid.’

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

LX. Provided always, and it is hereby further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Ten Days Notice at least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Proceedings not to be quashed for Want of

LXI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders



fenders against this Act, shall be quashed for Want of Form, or be removed or removable 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 relating 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 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 an Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Form, nor  
removeable by  
*Certiorari*.

LXII. And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, and signed by a competent Number of the Trustees, as the Case shall require, or by their Clerk, by their Order, shall be deemed to be Originals; and such Book or Books, and also the Book or Books to be kept for registering the aforesaid Mortgages and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Proceedings  
to be entered  
in Books, and  
produced in  
Evidence.

LXIII. And be it further enacted, That no Action, Suit, or Information, shall be commenced, had, brought, or prosecuted, against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his or 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 Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, 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 Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Case by Law.

Limitation of  
Actions.

General Issue.

Treble Costs.

LXIV. And



Provisions of  
the General  
Turnpike Act  
extended to  
this.

LXIV. And be it further enacted, That the said Road hereby directed to be repaired, shall be deemed and taken to be a Turnpike Road, within the Intent and Meaning of the herein-before recited Act of the Thirteenth Year of His present Majesty's Reign, and of the several Acts made for explaining, amending, or repealing the same Act; or some Part or Parts thereof; and that all and every the Clauses and Provisions contained in the said Act of the Thirteenth of His present Majesty, subject to the Provisions of the said other Acts, (excepting where the same are otherwise altered by this Act), shall be in full Force with regard to the Road included in this Act, as fully and effectually, to all Intents and Purposes, as if this Act had been made and passed previous to the said Act of the Thirteenth of His present Majesty's Reign.

Commence-  
ment and Con-  
tinuance of  
this Act.

LXV. And be it further enacted, That the Term of this Act shall commence upon the Day on which the First Meeting of the said Trustees shall be held as aforesaid, and shall continue and be in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament; and this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

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