



ANNO QUADRAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. 58.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Workſop*, in the County of *Nottingham*, to *Attercliffe*, in the County of *York*.

[27th May 1808.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from Workſop, in the County of Nottingham, through the Towns of Gateforth, Anſton, Aſton, Handſworth, and Darnall, to the North East End of Attercliffe, in the County of York, where the ſame joins the Turnpike Road from Bawtry to Sheffield*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act made in the Fourth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from Workſop, in the County of Nottingham, through the Towns of Gateforth, Anſton, Aſton, Handſworth, and Darnall, to the North East End of Attercliffe, in the County of York, where the ſame joins the Turnpike Road from Bawtry to Sheffield*: And whereas the Trustees appointed in and by virtue of the ſaid Acts have made great Progreſs in the Execution thereof, and have borrowed conſiderable Sums of Money upon the Credit of the Tolls thereby granted, but find that the ſaid Road cannot be effectually amended, widened, and kept in ſufficient Repair, nor the ſaid Sums of Money ſo borrowed as aforeſaid be repaid, unleſs the Term granted by the ſaid Acts be further continued, and the Powers thereof altered and enlarged; May it therefore pleaſe

[*Loc. & Per.*] Your

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4 G. 3. c. 521
26 G. 3. c. 152

Acts further
continued.

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, and all and every the Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things therein contained (except such Parts thereof as relate to Exemption from Stamp Duties, and also such as are hereby varied, altered, or repealed) shall be and remain in full Force and Effect, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, and Additions herein contained; and that this Act shall commence and take Effect upon the passing thereof; and the Term and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Acts, and of such other Sums of Money as shall be borrowed upon the Credit thereof and of this Act, and all Interest due and to become due thereon respectively.

For appoint-
ing new Trust-
tees.

II. And be it further enacted, That from and after the passing of this Act, *Thomas Ward, William Ball, John Soreby, John Dakin, Joseph Read, William Verelst, Samuel Staniforth, John Littlewood, Peter Birks, William Greaves, Richard Thomas Sharpe, John Wright, Lacey Clerk, Thomas Raddish, Francis Owtram the younger, Job Conworth, Richard Roe, and Clay Detbick,* shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts for putting the same and this Act into Execution; and the Trustees hereby appointed, and their Successors respectively, being qualified according to the Directions of the said recited Acts, are hereby empowered to act in the Execution of the said Acts and of this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees in or by virtue of the said recited Acts.

Trustees may
sue and be
sued in the
Name of
their Treas-
urer or
Clerk.

III. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever, to be had, taken, prosecuted or defended, by or against the said Trustees, shall be had, taken, prosecuted or defended in the Name of their Treasurer or Clerk; and that no Action, Suit, Prosecution, Information, Appeal or other Proceeding to be had, taken, prosecuted or defended, by or against the said Trustees, or any of them, by virtue of this or the said recited Acts, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, but that the Treasurer or Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant or Respondent, in any such Action, Suit, Prosecution, Information, Appeal or other Proceeding, as the Case shall be: Provided always, that such Treasurer or Clerk in whose Name any such Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be had, taken, prosecuted or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this or the said recited Acts, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, he

he shall pay, bear, sustain, expend, or be put unto or become chargeable with or liable for or be fairly entitled to by reason of his being so made Plaintiff, Defendant, Informant, Appellant or Respondent as aforesaid.

IV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or to any other Matter or Thing done in the Execution of this or the said recited Acts, 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 not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Toll Bar
Keepers com-
petent Wit-
nesses.

V. And whereas the Tolls granted by the said recited Acts have been found insufficient for amending and keeping the said Road in good Repair, and for executing the several other Purposes of the said Acts; be it therefore further enacted, That from and after the First Day of *December* One thousand eight hundred and eight, the Tolls payable in and by the said recited Acts shall cease, determine, and be no longer paid; and that in lieu thereof the following Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast or other Cattle, Coach, Waggon, Cart or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, Side Bar or Side Gate, erected or to be erected by virtue of the said recited Acts or this Act upon or across the said Road, or upon or across any Lane or Way leading into the same; (that is to say),

For disconti-
nuing the
present Tolls,
and granting
new ones.

For every Coach, Landau, Berlin, Chariot, Curriclè, Calash, Chaise, Chair, Hearse or Chaise Marine, drawn by Six Horses or other Beasts of Draught, Three Shillings; and drawn by Four Horses or other Beasts of Draught, Two Shillings and Three Pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine Pence:

For every Post Chaise, drawn by Four Horses or other Beasts, the Sum of One Shilling and Sixpence:

For every Chaise or Chair, drawn by One Horse, the Sum of Four Pence Halfpenny:

For every Horse, Ox or other Beast of Draught, drawing any Waggon, Wain, Cart or 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 Waggon, Wain, Cart or other Carriage, drawn by Five or more Horses, Oxen or other Beasts of Draught, the Sum of Three Shillings; and drawn by less than Five, the Sum of Four Pence Halfpenny for every Horse, Ox or other Beast of Draught so drawing:

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

For every Drove of Oxen, Beasts or Neat Cattle, the Sum of One Shilling and Three Pence *per* Score; and so in Proportion for any lesser Number:

For every Drove or Herd of Calves, Sheep, Swine or Lambs, the Sum of Seven Pence Halfpenny *per* Score; and so in Proportion for any less Number.

VI. And

Pits or Holes
to be filled up
or fenced off.

VI. And be it further enacted, That if any Surveyor or Person or Persons employed by him shall, by reason of the searching for, digging or getting any Gravel, Sand, Stones, Chalk, Clay or other Materials for repairing the said Road or any Part thereof, make or cause to be made any Pit or Hole in any Lands or Grounds, such Surveyor or Person or Persons shall cause the same to be forthwith sufficiently fenced off, and such Fence to be supported and kept in Repair during such Time as the said Pit or Hole shall continue open, and shall, within Ten Days after such Pit or Hole shall cease to be further useful, cause the same to be forthwith filled up, sloped down or levelled as far as the Turf or Clod which was dug out of the same will allow, taking Care always to preserve the Top Turf or Clod, and also to lay the same on the Top of such Pit or Hole so filled up, sloped down, or levelled as aforesaid.

Exemptions
from Toll.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road lies; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners; or for any Horse, Cattle or Beast, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Lime, Mould, Dung, Compost or Manure employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horse or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his or her proper Parochial Church, Chapel or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle or Carriage 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 Expresses, or in returning back from conveying the same; or for any Horse, Cattle or Beast, attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle or Beast, employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Nottingham* or *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for

for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

VIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Nottingham* and *York*, and they are hereby required, upon Application made to them by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor by their Order, respectively to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships or Places, in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township or Place, to bring in true and perfect Lists in Writing before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think

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proper,

proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments, of and in all or any of the Parishes, Townships or Places in which the said Road is situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in Advance, on or before the Twenty-second Day of *November* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township or Place, shall not be permitted to compound for that Year.

Application of Compensation Money when amounting to or exceeding 200l.

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such

Money shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements or Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so directed to be purchased, in case such Purchase or Settlement were made.

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, with the Privity and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Acts and this Act (such

Nomination

Where less than 200 l. and exceeding 20 l.

Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
where less
than 20l.

XII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, &c.;

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

Respecting
disputed
Titles.

XIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the

the Court of Chancery, in pursuance of the said recited Acts or this Act, for the Use of the said Road, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

XV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said recited Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery to direct the Payment of Expences.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to cause Foot-paths or Causeways to be made on the Sides of the said Road, or any Part or Parts thereof; and if any Person or Persons shall ride upon any such Footpath or Causeway, or shall drive any Horse, Mule or Ass, Cattle, Beast, Pig or Swine, Cart or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or shall wilfully cause any Damage whatsoever thereto; or shall lay any Timber, Hay, Straw, Dung, Compost or Manure, Ashes, Rubbish, or any Matter or Thing whatsoever upon the said Road or any Part thereof; or shall obstruct or impede the Passage upon the said Road or any Part thereof; or shall turn out any Horse, Cow or other Cattle, Mule, Ass or Swine upon the said Road or any Part thereof, or into any Lane or Highway leading into the same (except where the said Road or any Part thereof passes over any Open Common or Waste Grounds); or without the Authority of the Trustees shall dig or break up the Soil or Ground of any Part of the said Road, or scrape or carry off any Materials, Gravel, Mud or Dirt, which shall be or lie upon the said Road, every

Power to make Foot-paths, &c.

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such

such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied and applied in such Manner as other Penalties and Forfeitures are by the said recited Acts, or either of them, directed to be recovered, levied and applied; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Pieces of Timber or Stone, which shall be carried upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same Road or any Part thereof, or the Fences, Hedges, Backings or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart or other Carriages, shall not keep his Carriage on the left or near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing upon the said Road, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care; or if any Person shall leave any Waggon, Wain, Cart or other Carriage longer than may be necessary for loading or unloading the same, in, upon or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, so as to be a Nuisance to Persons travelling thereon, every Person so offending shall for every or any such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For paying
the Expences
of this Act.

XVII. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same, shall be paid out of any Money collected or received, or to be collected or received by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

Notice of
Actions.

XVIII. Provided always, and be it further enacted, That no Action, Suit, Prosecution, Appeal or other Proceeding shall be commenced against any Person or Persons for any Thing done in pursuance of this or the said recited Acts, until Twenty-one Days after Notice in Writing (stating the Grounds of such Action, Suit, Prosecution, Appeal or other Proceeding) shall have been given by the Person or Persons aggrieved to the Person or Persons against whom such Action, Suit, Prosecution, Appeal or other Proceeding shall be commenced, and also to the Treasurer and Clerk to the said Trustees for the Time being.

Publick Act.

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

Commence-
ment and
Duration of
the Act.

XX. And be it further enacted, That the Term granted by the said recited Acts, shall on the passing of this Act cease and determine, and the said recited Acts (subject to the Alterations, Variations, and Additions,

herein-before contained) and this Act, shall from thenceforth commence, continue in force, and be executed for and during the Term of Twenty, one Years, and from thence to the End of the then next Session of Parliament.

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