



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 59.

An Act for continuing and amending an Act, passed in the Twenty-seventh Year of His present Majesty, for repairing the Road from the Town of *Nottingham* to the Town of *Mansfield*, in the County of *Nottingham*. [27th May 1808.]

WHEREAS by an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair the Road leading from the Town of Nottingham to the Town of Mansfield, in the County of Nottingham,* several Tolls and Duties were granted and made payable, and divers Powers and Authorities were given to Trustees for amending and repairing the said Road during the Term therein limited: And whereas the Trustees appointed in and by virtue of the said Act have made great Progress in repairing and improving the said Road, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls, authorized to be taken on the said Road, which Money still remains due, and the same cannot be discharged, nor can the said Road be effectually amended, widened, and kept in Repair, unless the said Act be continued for a further Term, and the Tolls increased, and it is necessary that some of the Powers and Provisions of the said Act be altered and enlarged: 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
[*Loc. & Per.*] 12 2 this

Former Act
continued:

this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Twenty-seventh Year of the Reign of His said present Majesty, and all and every the Powers, Authorities, Privileges, Provisions, Clauses, Matters, and Things therein contained and now subsisting (except such as are hereby varied, altered, or repealed, or as are repugnant to, or otherwise provided by any of the Provisions contained in this Act), shall be and continue in full Force and Effect, and shall be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; and this Act, and the additional Term, and the Tolls 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 Tolls granted by the said recited Act, and of all such other Sums of Money as shall hereafter be borrowed in pursuance of the said Act or this Act, and of all Interest now due and hereafter to grow due for the same respectively.

Additional
Trustees
Names.

II. And be it further enacted, That *George Almond junior, Lewis Allsopp, John Ashwell, John Allen, John Attenburrew, Jonas Bettison, Joseph Bilbie, John Bates, John Bigsby, John Bell Grocer, John Bell Mercer, George Bunting, William Brewin, Robert Bigsby, Edward Barasley, Thomas Brewitt, John Musters Chaworth, Henry Coape, John Hall Clay Clerk, George Coldham, the Reverend Samuel Catlow, William Crisbep, William Chapman, William Christian, William Chamberlin, Joseph Chamberlin, William Cutts, William Daft, Nathaniel Denison, Thomas Dusty, Thomas Dusty the younger, John Dusty, Richard Dusty, William Dealry, William Dickons, William Dickons junior, James Dale, Thomas Webb Edge, Thomas Evison, Henry Enfield, Joseph Flewitt, John Fellows the younger, Samuel Fox, John Falkner, Alexander Foxcroft, James Green, Thomas Gossage, John Gill, Francis Gill, Robert Gill, James Hooley, John Hawksley, Samuel Cutler Hooley, William Howitt, John Harker, Nathan Tempest Haines, Thomas Heygate, James Heygate, Alexander Hadden, John Hadden, Mark Huish, Francis Hart the younger, Cornelius Huishwaite, Edward Hall, Richard Hopper the younger, Henry Holdsworth, Thomas Holdsworth, Thomas Holt, William Huish, Joseph Howard, the Reverend Joseph Jackson D. D. of Divinity, William Jamson, Gibson Jalland, William Johnson, Richard James, James Northage James, Thomas Jackson, Jonas Kewney, William Wilson Kent, John Longden, Robert Leeson, Robert Lowe, Robert Lowe Clerk, William Lang, Thomas Maltby, James Maltby, William Richard Middlemore, Charles Mellor, Thomas Moore, John Ball Mason, the Right Honourable Lord Newark, Matthew Needham, Nathaniel Need the younger, Thomas Nelson, George Need, William Nunn, William Fletcher Norton Norton, Thomas Oldknow junior, Octavius Thomas Oldknow, Henry Oldknow, Daniel Paulet, Henry Percy, Robert Wilkinson Padley, Alfred Padley, the Right Honourable Lord Rancliffe, John Robinson, Lancelot Rolleston, Martin Roe, Thomas Jekyll Rawson, John Renshaw, John Rayner, William Rhodes, John Storer Clerk, William Sberbrooke, John Smith, Thomas Carpenter Smith, William Stretton, William Simes, Charles Stanton, Charles Stanton the younger, George Stevenson, Samuel Stevenson, Samuel Sanders, Alexander Straban, George Smith, the Right Honourable the Marquis of Titchfield, Peter Thoroton Clerk, Benjamin Thompson, Robert Toplis, William Tupman, the Right Honourable Sir John Borlase Warren Baronet, Thomas Walker of Berry Hill, John Wood, Thomas Walker, George Walkden, John Smith Wright,*

Wright, William Williams, William Woodcock, James Wright, William Wright, and Henry Wells, shall be and are hereby added to and joined with the Trustees appointed by or in pursuance of the said Act for putting the same and this Act into Execution; and the Trustees herein-before nominated and appointed and their Successors being qualified according to the Directions of the said recited Act, together with the Trustees appointed by or in pursuance of the said Act, or a competent Number of them, or either of them, shall be and are hereby authorized and empowered to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes, as if they had been nominated or appointed Trustees by the said recited Act.

III. And, for the better and more particularly ascertaining the Commencement and Termination of the said Road, be it further enacted and declared, That the said Road shall commence at the South End of *Boot Lane* in the Town of *Nottingham*, and terminate at the Publick House known by the Sign of the *Cock* in the Town of *Mansfield*.

Commencement and Termination of the Road.

IV. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Act or of this Act, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, Treasurer or Treasurers, nor by the Act of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Clerks, Treasurer or Treasurers for the Time being to the said Trustees, shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be in every such Action: Provided always, that every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue hereof all such Costs, Charges, Damages, and Expences as by the Event, or in consequence of any such Action or Proceeding, he or they shall pay, bear, expend, or be put into or become chargeable with by Reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

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

Who is to be reimbursed his Expences.

V. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by the said recited Act or this Act, or receiving Interest thereout for the same, shall not on that Account be deemed disqualified to act as a Trustee.

Mortgagees may act.

VI. And be it further enacted, That, from and immediately after the Second *Monday* next after the passing of this Act, all the Tolls granted by the said recited Act shall cease, determine, and be no longer paid or payable, and that instead and in lieu thereof there shall be demanded and paid at the Toll Gates or Turnpikes erected or to be erected by virtue and in pursuance of the said Act and of this Act, or either of them, upon the whole Extent of the said Road, the several Tolls and Sums of Money

Former Tolls to cease.

Money herein-after mentioned in the Parts, Shares, Proportions, and Manner the same shall be directed by the said Trustees, or any Five or more of them, to be received and taken at each of the said Toll Gates or Turnpikes before any Cattle or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, Waggon, Wain, Cart, or other Carriages, of any Kind or Description, the Sum of Six-pence:

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

For every Drove of Oxen, Cows, or other neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so on in Proportion for any less Number:

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, the Sum of Ten-pence *per* Score, and so in Proportion for any less Number:

Which said several Tolls and Duties hereby granted and made payable shall be divided and allotted into so many Parts and Shares, and into such Proportions as the said Trustees, or any Five or more of them, shall from Time to Time order and appoint; and such Parts, Shares, and Proportions thereof, shall be taken and received at such and so many of the said Turnpikes or Toll Bars as by the said Trustees, or any Five or more of them, shall from Time to Time be ordered and appointed for that Purpose, and in no other Manner: Provided, that not more than One Half of the said respective Tolls and Duties hereby enacted to be paid upon the whole Extent of the said Road shall be demanded or taken at any One of the said Turnpikes or Toll Bars, or for passing or travelling upon a less Distance than Six Miles of the said Road.

Double Tolls
on Sundays.

VII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Road, and they are hereby authorized and required on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on *Sunday* Night), to demand and take for every Horse, Mare, Gelding, Mule, Ass, or other Beast drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs, or Swine, which shall pass through any of the said Toll Gates or Turnpikes, double the Tolls or Sums of Money herein-before mentioned or made payable at such Toll Gates or Turnpikes respectively.

Turnpikes
within One
Mile and an
Half of Not-
tingham or
Mansfield.

VIII. Provided always, and be it further enacted and declared, That no Turnpike shall be erected by virtue of this Act within the Distance of One Mile and an Half from the respective Market Places within the said Towns of *Nottingham* and *Mansfield*.

Tolls vested in
the Trustees.

IX. And be it further enacted, That the several Tolls herein-before granted or made payable shall be and are hereby declared to be vested in the said Trustees, and the same shall be paid, received, and taken, levied, assigned, transferred, leased, and compounded for in such Manner, and shall be applied and disposed of for such Uses, Intents, and Purposes, as
by

by the said Act are directed and appointed with respect to the Tolls thereby granted, except as by this Act is otherwise directed.

X. And be it further enacted, That no Person who shall have paid Toll for the passing of any Horse or other Beast, Cattle or Carriage, through any Toll Gate or Turnpike, shall, on his repassing or again passing the same Gate or Turnpike on the same Day with any different Horse or other Beast or Cattle, be exempt from the Payment of Toll by reason of his having before paid Toll as aforesaid.

Persons having before paid Toll, but going with different Cattle on the same Day shall pay another full Toll.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if they think proper, erect or cause to be erected, at or near any Toll Gate or Turnpike, to be continued or erected by virtue of this Act, or at such other convenient Place or Places, at, upon, or near the said Road as the said Trustees, or any Five or more of them, shall think fit, any Crane, Machine, or Engine for weighing Carts, Waggon, or other Carriages which shall pass or repass on the said Road, or any Part thereof, and they, or any Five or more of them, shall and may, by Writing under their Hands, order and direct all and every or any of such Carts, Waggon, or other Carriages which shall pass or repass on the said Road or any Part thereof, together with or without the Loading thereof, to be weighed; and if any Person or Persons shall unload or cause to be unloaded any Goods or Merchandizes before he, she, or they shall come to any Toll Gate, Turnpike, Machine, or Engine, erected by virtue of the said Act or of this Act, or with Force or otherwise attempt to prevent, hinder, or obstruct the Weighing of any such Cart, Waggon, or Carriage, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may erect Engines and weigh Waggon, &c.

XII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of the said Act or of this Act, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls and Charges of such Distress shall be ascertained by some Justice of the Peace for the County of *Nottingham*, who, upon Application made to him for that Purpose, shall examine upon the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Tolls due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose, all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Cattle and Goods so distrained, or the Overplus, or any Part thereof respectively.

For settling Disputes concerning Tolls.

XIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent to give Evidence therein by reason of his or their being appointed to collect the said Tolls.

Collectors declared competent Witnesses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order to be made Causeways or Footpaths on the Sides of the said Road or any Part thereof, and if any

Power to make Causeways.

[Loc. & Per.]

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Person

Person or Persons shall ride upon any Causeway or Footpath already made, or to be made on the Sides of the said Road, or any Part thereof, or shall drive any Horse, Mule, Ass, Cattle, Beast, Pig, or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or shall lay any Timber, Hay, Straw, Dung, Compost, Ashes, Rubbish, or any other Matter or Thing whatsoever upon the said Footpaths or Causeways, or any Part thereof, or shall obstruct or impede the Passage upon the same, or shall wilfully cause any Damage whatsoever to be done thereto, or to the Posts erected or to be erected thereon, every such Person offending in any of the Matters or Things aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Trustees may
choose a tem-
porary Col-
lector.

XV. And be it further enacted, That as often as any Collector of the Tolls shall die, absent himself, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting pursuant to this Act, by Writing under their Hands, to appoint any other Person to collect the Tolls, who shall continue in such Office until the Trustees shall, at a Meeting held in pursuance of this Act, appoint a Collector of such Tolls; and if any such Collector, who shall be discharged from his Office by the Trustees, shall refuse to deliver up the Possession of the Toll House and Tenements of or belonging to the said Trustees within Three Days after Notice of his Discharge shall be given to him, or left at his House, or if the Wife or Family of any such Collector who shall die, absent himself, or become incapable as aforesaid, shall refuse to deliver up the Possession of such Toll House and Tenements within Four Days after such new Appointment as aforesaid, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Nottingham*, by Warrant under his Hand and Seal, to order the Constable, or other Officer, with such Assistance as shall be necessary, to enter such Toll House and Tenements in the Day Time, and to remove the Persons who shall be found therein, together with the Goods out of such House, and to put the new appointed Officer in the Possession thereof.

General Ex-
emptions

XVI. And be it further enacted, That all Exemptions from Toll granted by the said recited Act shall cease and be void, and in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed and in force; (that is to say), that no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying, or going empty or unladen, to carry or convey, or returning empty or unladen from carrying or conveying, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road doth lie, or any Hay, or any 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 thereof; or for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, Lime, or other 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 Horses 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 proper parochial Church, Chapel, or other Place of Religious Worship, tolerated by Law, on a *Sunday*, or 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 Parishes; or from any Clergyman going to or returning from visiting any sick Person in the Discharge of his parochial or ministerial Duty; or for any Horses, Cattle, or Carriages, of whatever Description, 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 Horses, Carts, or Waggon's attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Persons 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 such Persons are 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 Exemptions as aforesaid; or for Horses, Carts, or Waggon's employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, Beast, or Carriage conveying any Elector or Electors to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Nottingham*, or of a Burgess or Burgesses to serve in Parliament for the Town of *Nottingham*, on the Day or Days of such Election; or on the Day before or the Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

XVII. Provided always, and be it further enacted, That the Inhabitants of the Parish of *Arnold* shall not be subject to or charged with the Payment of more than One Half Part of the said Tolls, for or in respect of any Horses or other Beasts or Cattle passing or repassing upon the said Road between any Part of the said Parish and the Town of *Nottingham*; and upon Payment of such Half Toll the Collectors thereof shall give *gratis* to such Persons, upon Demand, Notes or Tickets denoting such Payment: Provided also, that the Inhabitants of the Parishes or Townships of *Papplewick* and *Newstead*, or either of them, shall not be subject to or charged with the Payment of more than One Half Part of the said Tolls for or in respect of any Horses, or other Beasts or Cattle passing or repassing upon the said Road between any Part of the said Parishes or Townships and the Town of *Mansfield*; and upon Payment of such Half Toll the Collectors thereof shall give *gratis* to such Persons, upon Demand, Notes or Tickets denoting such Payment.

Inhabitants of Arnold subject only to Half Toll in going to Nottingham.

Inhabitants of Papplewick and Newstead subject to only Half Toll in going to Mansfield.

XVIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed; and that all Persons who by Law are or shall

Statute Work.

shall

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; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Nottingham*, and they are hereby empowered and 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 yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of publick 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 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 Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty imposed by the said recited Act is authorized 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 usual Place or Places of Abode for that Purpose, by any Surveyor of 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 or 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

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 dismiss 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 and 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.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree by the Year, or otherwise, with the Surveyors of the Highways of any of the Parishes, Townships, and Districts through which any Part of the said Road passes, or with the Owners or Occupiers of any Lands, Tenements, or Hereditaments, or other Persons, Bodies Politick or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in or upon the same, or the Performance of Statute Work thereon, for the Payment of any Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, or either of them, or otherwise relating thereto; and it shall also be lawful for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which any Part of the said Road passes, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for the Payment of any Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, or either of them, to be performed by the Occupiers of Lands, Tenements, or Hereditaments, or the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Road, and all Contracts for any of the Purposes aforesaid, shall be binding upon the said Trustees and Surveyors, and all other Parties thereto, their several Heirs, Successors, Executors, Administrators, and Assigns; and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Authorizing the Trustees and others to compound for Statute and other Work.

XX. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

How Surveyors may be reimbursed such Composition Money.

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the said recited Act and this Act, or either of them for the Purposes thereof, which shall

Application of Compensation, if amounting to 200l.

[Loc. & Per.]

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belong

belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or in Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said recited Act 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 or Redemption of the Land Tax, or 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, 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 or 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 such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Monies shall, by Order of the said Court 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 or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Act and this Act, in case such Purchase or Settlement were made.

Application
of Compensation, if less
than 100l.
and exceeding 20l.

XXII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their
their

their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in Manner therein-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 Three or more of the Trustees for executing the said Act and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable without obtaining or being required to obtain the Direction or Appointment of the Court of Chancery.

XXIII. Provided also, and be it further enacted, That where 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 this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application of Compensation, if less than 20l.

XXIV. 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 Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; 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 be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy 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, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick 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,

In case of not making out Titles; or if Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Orders of the Court of Chancery, on Motion or Petition.

received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession shall be deemed well entitled, unless the contrary be shewn.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expenses of Purchases to be paid by the Trustees.

XXVI. 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 Act and this Act, the Purchase Money for the same shall be required to be paid into the 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 the said Act and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expenses of all Purchases from Time to Time to be made in pursuance of the said Act and this Act, or so much of the said Expenses as the said Court shall deem reasonable to be paid by the said Trustees out of the Monies to be received by virtue of the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on assaulting Persons, &c.

XXVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage the assaulting, interrupting, hindering, or disturbing the Collectors of the Tolls, or any or either of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by him or the said Trustees in the Execution of the said Act and this Act, every such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Trustees may contract for repairing the Road.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to contract and agree with any Person or Persons for the repairing, widening, altering, turning, amending, or improving the said Road, or any Part or Parts thereof, in such Manner and

and for such Sum or Sums of Money as they the said Trustees, or any Five or more of them, shall think proper; and all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting of the said Trustees shall be binding upon all Parties who shall sign the same, his, her, or their Executors and Administrators; 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.

XXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers or Persons employed under the said Act and this Act, be it therefore further enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers, or other Persons respectively, to seize and detain such unknown Person or Persons so guilty as aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any Offence against this Act shall be committed, without any Warrant or other Authority than this Act for so doing; and such Justice or Justices of the Peace respectively are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, and on such Conviction, or for Want of sufficient Security, to commit the Person or Persons so offending to the Common Gaol for the County or Place where the Offence shall be committed, there to remain until he, she, or they shall pay the respective Penalties by him, her, or them incurred for such respective Offence or Offences, or shall give Security in Manner aforesaid.

Transient Offenders may be apprehended.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up upon the said Road, and inserted in some publick Newspaper circulating in the Neighbourhood of the said Road, may and are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof with such legal Interest as the said Trustees shall think proper; which said Money so to be borrowed shall be applied and disposed of as in this Act mentioned, and to no other Use or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the following Form, or such other Form as the said Trustees, making the same, shall think proper; (that is to say),

Trustees may borrow Money.

BY virtue and in pursuance of an Act, passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled, [here set forth the Title of this Act] in Consideration of the Sum to A. B. the Treasurer, appointed by the Trustees for putting the said Act and the Act therein mentioned in Execution, [Loc. & Per.] 12 T—U having

Form of Mortgage.

' having been this Day paid by C. D. of we
 ' whose Names are hereunto subscribed and Seals affixed, being
 ' of the said Trustees, do grant and assign unto the said C. D. his Exe-
 ' cutors, Administrators, and Assigns, such Proportion of the Tolls
 ' arising upon the Road, as the said Sum of doth or
 ' shall bear to the whole Sum due and owing on the Credit of the same
 ' Tolls, or charged thereupon for the Term of the said Act, to have,
 ' hold, receive, and take such Proportion of the said Tolls unto the said
 ' C. D. his Executors, Administrators, and Assigns, for the Residue and
 ' Remainder now to come of the Term of for which
 ' the said Tolls are granted by the said Act, subject to the Proviso follow-
 ' ing; (that is to say), provided always that if the said Sum of
 ' shall be repaid to the said C. D. his Executors, Admi-
 ' nistrators, or Assigns, together with Interest for the same, after the
 ' Rate of *per Centum per Annum*, without any Deduc-
 ' tion whatsoever, on or before the Day of
 ' now and next ensuing, then this Assignment shall be void, or else shall
 ' remain in full Force. In Witness whereof we have hereunto set our
 ' Hands and Seals this Day of One thousand
 ' eight hundred and

Copies to be
entered.

Copies of all which Mortgages or Assignments shall be entered in a Book
 or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer
 or Treasurers, to the said Trustees; and all and every Person or Persons
 to whom any such Mortgage or Assignment shall be made as aforesaid,
 or who shall be entitled to the same, or the Money thereby secured, is
 and are hereby empowered from Time to Time, by Writing under his,
 her, or their Hand and Seal, or Hands and Seals, to be indorsed upon
 the Back of his, her, or their Security, or by any other Writing or
 Writings under his, her, or their Hand and Seal, or Hands and Seals,
 before One credible Witness, to assign over or transfer his, her, or their
 Right to the Principal and Interest Money thereby secured, to any Person
 or Persons whomsoever in the following Words, or Words to the like
 Effect; (that is to say),

Form of
Transfer.

' I do hereby assign and transfer this Mortgage [*or, a certain Mortgage,*
 ' *&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
 ' Executors, Administrators, and Assigns. In Wit-
 ' ness whereof, I have hereunto set my Hand and Seal; the
 ' Day of in the Year of our Lord One thousand eight hundred
 ' and

All which Assignments and Transfers shall be produced and notified to the
 Clerk or Clerks, Treasurer or Treasurers to the said Trustees within Sixty
 Days next after the Date thereof, who shall cause an Entry to be made
 of such Assignments or Transfers, containing the Dates, Names, and
 Additions of the Parties, and Sums of Money therein mentioned, to be
 assigned or transferred in the said Book or Books, to be kept for entering
 the said original Mortgages and Assignments, for which the Clerk or
 Clerks, Treasurer or Treasurers, shall be paid the Sum of Five Shillings,
 and no more; and which said Book or Books shall and may at all reason-
 able Times be perused and inspected without Fee or Reward; and after
 such Entry made, and not otherwise, such Assignment or Transfer shall
 entitle such Assignee or Assignees, his, her, and their Executors, Admi-
 nistrators,

nistrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators shall and may, in like Manner, assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

XXXI. And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stones (Millstones excepted), otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of the said Road, or shall draw any Plough upon or across the said Road, or any Part thereof, whereby the said Road shall or may be prejudiced, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Against hal-
ing Stones
and Timber,
otherwise
than upon
Wheel Car-
riages.

XXXII. And be it further enacted, That, from and after the passing of this Act, the said Trustees shall and they are hereby required to hold a General Meeting at *Redbill*, in the Parish of *Arnold* in the County of *Nottingham*, on the First Monday in July in every Year during the Continuance of this Act, of which Meeting Ten Days Notice shall be given in the *Nottingham* or some other Newspaper publishing or generally circulated in the County of *Nottingham*, for the Purpose of appointing new Trustees, auditing the Accounts of the Surveyors, Treasurers, and other Officers, and consolidating the same into One Account, and the Net Receipts into One Fund; and that the said Trustees, or any Five or more of them, shall, at such annual Meeting, order and direct the Interest of the whole Principal Monies now borrowed and due, or hereafter to be borrowed, upon the Credit of the said Tolls, to be paid to all the respective Creditors equally, and without Preference in the first Place, and before any other Payment shall be made whatsoever (except the Costs and Charges of passing this Act); and after Payment thereof, and of the Officers Salaries, shall order and direct in what Proportions the Monies remaining in the Hands of the Treasurer or Treasurers shall be applied in the Repairs of the said Road; and that the said Trustees, at such annual General Meetings, shall or may make such Orders and Resolutions for carrying the said recited Act and this Act into Execution as to them shall seem meet, not postponing the Payment of the annual Interest by ordering the Money to be expended in any other Manner.

Application
of the Money.

XXXIII. And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done in pursuance of the said Act or this Act, or either of them, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County or Place where the Cause of Action or Suit shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give the said recited Act and this Act, and the special Matter in Evidence, at any Trial to be had thereupon, and

Limitation of
Actions.

that the same was done in pursuance and by the Authority of the said Act and of this Act, or either of them; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer any Discontinuance of 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 said Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs of Suit, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

For paying the
Expences of
this Act.

XXXIV. And be it further enacted, That all the Charges and Expences of or incident to the obtaining and passing of this Act shall be paid by the said Trustees, or any Five or more of them, out of any Money already raised by virtue of the said Act, or out of the first Money to arise by virtue of this Act, in Preference to all other Payments whatsoever.

Act Publick.

XXXV. 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
Continuance
of the Act.

XXXVI. And be it further enacted, That this Act shall commence on the Day the same shall receive the Royal Assent, and shall continue in force from thenceforth for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 59.

An Act for continuing and amending an Act, passed in the Twenty-seventh Year of His present Majesty, for repairing the Road from the Town of *Nottingham* to the Town of *Mansfield*, in the County of *Nottingham*. [27th May 1808.]

WHEREAS by an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair the Road leading from the Town of Nottingham to the Town of Mansfield, in the County of Nottingham,* several Tolls and Duties were granted and made payable, and divers Powers and Authorities were given to Trustees for amending and repairing the said Road during the Term therein limited: And whereas the Trustees appointed in and by virtue of the said Act have made great Progress in repairing and improving the said Road, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls, authorized to be taken on the said Road, which Money still remains due, and the same cannot be discharged, nor can the said Road be effectually amended, widened, and kept in Repair, unless the said Act be continued for a further Term, and the Tolls increased, and it is necessary that some of the Powers and Provisions of the said Act be altered and enlarged: 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
[Loc. & Per.] 12 2 this

Former Act
continued.

this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Twenty-seventh Year of the Reign of His said present Majesty, and all and every the Powers, Authorities, Privileges, Provisions, Clauses, Matters, and Things therein contained and now subsisting (except such as are hereby varied, altered, or repealed, or as are repugnant to, or otherwise provided by any of the Provisions contained in this Act), shall be and continue in full Force and Effect, and shall 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; and this Act, and the additional Term, and the Tolls 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 Tolls granted by the said recited Act, and of all such other Sums of Money as shall hereafter be borrowed in pursuance of the said Act or this Act, and of all Interest now due and hereafter to grow due for the same respectively.

Additional
Trustees
Names.

II. And be it further enacted, That *George Almond junior, Lewis Allsopp, John Ashwell, John Allen, John Attenburrow, Jonas Bettison, Joseph Bilbie, John Bates, John Bigsby, John Bell Grocer, John Bell Mercer, George Bunting, William Brewin, Robert Bigsby, Edward Bardsley, Thomas Brewitt, John Musters Charworth, Henry Coape, John Hall Clay Clerk, George Coldham, the Reverend Samuel Catlow, William Crishep, William Chapman, William Christian, William Chamberlin, Joseph Chamberlin, William Cutts, William Daft, Nathaniel Denison, Thomas Dusty, Thomas Dusty the younger, John Dusty, Richard Dusty, William Dealtry, William Dickons, William Dickons junior, James Dale, Thomas Webb Edge, Thomas Evison, Henry Enfield, Joseph Flewitt, John Fellows the younger, Samuel Fox, John Falkner, Alexander Foxcroft, James Green, Thomas Gossage, John Gill, Francis Gill, Robert Gill, James Hooley, John Hawkstey, Samuel Cutler Hooley, William Howitt, John Harker, Nathan Tempest Haines, Thomas Heygate, James Heygate, Alexander Hadden, John Hadden, Mark Huish, Francis Hart the younger, Cornelius Huishwaite, Edward Hall, Richard Hopper the younger, Henry Holdsworth, Thomas Holdsworth, Thomas Holt, William Huish, Joseph Howard, the Reverend Joseph Jackson Doctor of Divinity, William Jamson, Gibson Jalland, William Johnson, Richard James, James Northage James, Thomas Jackson, Jonas Kewney, William Wilson Kent, John Longden, Robert Leejon, Robert Lowe, Robert Lowe Clerk, William Lang, Thomas Maltby, James Maltby, William Richard Middlemore, Charles Mellor, Thomas Moore, John Ball Mason, the Right Honourable Lord Newark, Matthew Needham, Nathaniel Need the younger, Thomas Nelson, George Need, William Nunn, William Fletcher Norton Norton, Thomas Oldknow junior, Octavius Thomas Oldknow, Henry Oldknow, Daniel Paulet, Henry Percy, Robert Wilkinson Padley, Alfred Padley, the Right Honourable Lord Rancliffe, John Robinson, Lancelot Rolleston, Martin Roe, Thomas Jekyll Rawson, John Renshaw, John Rayner, William Rhodes, John Storer Clerk, William Sberbrooke, John Smith, Thomas Carpenter Smith, William Stretton, William Simes, Charles Stanton, Charles Stanton the younger, George Stevenson, Samuel Stevenson, Samuel Sanders, Alexander Straban, George Smith, the Right Honourable the Marquis of Titchfield, Peter Thoroton Clerk, Benjamin Thompson, Robert Toplis, William Tupman, the Right Honourable Sir John Borlase Warren Baronet, Thomas Walker of Berry Hill, John Wood, Thomas Walker, George Walkden, John Smith Wright,*

Wright, William Williams, William Woodcock, James Wright, William Wright, and Henry Wells, shall be and are hereby added to and joined with the Trustees appointed by or in pursuance of the said Act for putting the same and this Act into Execution; and the Trustees herein-before nominated and appointed and their Successors being qualified according to the Directions of the said recited Act, together with the Trustees appointed by or in pursuance of the said Act, or a competent Number of them, or either of them, shall be and are hereby authorized and empowered to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes, as if they had been nominated or appointed Trustees by the said recited Act.

III. And, for the better and more particularly ascertaining the Commencement and Termination of the said Road, be it further enacted and declared, That the said Road shall commence at the South End of *Boot Lane* in the Town of *Nottingham*, and terminate at the Publick House known by the Sign of the *Cock* in the Town of *Mansfield*.

Commencement and Termination of the Road.

IV. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Act or of this Act, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, Treasurer or Treasurers, nor by the Act of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Clerks, Treasurer or Treasurers for the Time being to the said Trustees, shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be in every such Action: Provided always, that every such Clerk or Clerks; Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue hereof all such Costs, Charges, Damages, and Expences as by the Event, or in consequence of any such Action or Proceeding, he or they shall pay, bear, expend, or be put into or become chargeable with by Reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

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

Who is to be reimbursed his Expences.

V. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by the said recited Act or this Act, or receiving Interest thereout for the same, shall not on that Account be deemed disqualified to act as a Trustee.

Mortgagees may act.

VI. And be it further enacted, That, from and immediately after the Second *Monday* next after the passing of this Act, all the Tolls granted by the said recited Act shall cease, determine, and be no longer paid or payable, and that instead and in lieu thereof there shall be demanded and paid at the Toll Gates or Turnpikes erected or to be erected by virtue and in pursuance of the said Act and of this Act, or either of them, upon the whole Extent of the said Road, the several Tolls and Sums of Money

Former Tolls to cease.

Money herein-after mentioned in the Parts, Shares, Proportions, and Manner the same shall be directed by the said Trustees, or any Five or more of them, to be received and taken at each of the said Toll Gates or Turnpikes before any Cattle or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, Waggon, Wain, Cart, or other Carriages, of any Kind or Description, the Sum of Six-pence:

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

For every Drove of Oxen, Cows, or other neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so on in Proportion for any less Number:

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, the Sum of Ten-pence *per* Score, and so in Proportion for any less Number:

Which said several Tolls and Duties hereby granted and made payable shall be divided and allotted into so many Parts and Shares; and into such Proportions as the said Trustees, or any Five or more of them, shall from Time to Time order and appoint; and such Parts, Shares, and Proportions thereof, shall be taken and received at such and so many of the said Turnpikes or Toll Bars as by the said Trustees, or any Five or more of them, shall from Time to Time be ordered and appointed for that Purpose, and in no other Manner: Provided, that not more than One Half of the said respective Tolls and Duties hereby enacted to be paid upon the whole Extent of the said Road shall be demanded or taken at any One of the said Turnpikes or Toll Bars, or for passing or travelling upon a less Distance than Six Miles of the said Road.

Double Tolls
on Sundays.

VII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Road, and they are hereby authorized and required on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on *Sunday* Night), to demand and take for every Horse, Mare, Gelding, Mule, Ass, or other Beast drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs, or Swine, which shall pass through any of the said Toll Gates or Turnpikes, double the Tolls or Sums of Money herein-before mentioned or made payable at such Toll Gates or Turnpikes respectively.

Turnpikes
within One
Mile and an
Half of Not-
tingham or
Mansfield.

VIII. Provided always, and be it further enacted and declared, That no Turnpike shall be erected by virtue of this Act within the Distance of One Mile and an Half from the respective Market Places within the said Towns of *Nottingham* and *Mansfield*.

Tolls vested in
the Trustees.

IX. And be it further enacted, That the several Tolls herein-before granted or made payable shall be and are hereby declared to be vested in the said Trustees, and the same shall be paid, received, and taken, levied, assigned, transferred, leased, and compounded for in such Manner, and shall be applied and disposed of for such Uses, Intents, and Purposes, as
by

by the said Act are directed and appointed with respect to the Tolls thereby granted, except as by this Act is otherwise directed.

X. And be it further enacted, That no Person who shall have paid Toll for the passing of any Horse or other Beast, Cattle or Carriage, through any Toll Gate or Turnpike, shall, on his repassing or again passing the same Gate or Turnpike on the same Day with any different Horse or other Beast or Cattle, be exempt from the Payment of Toll by reason of his having before paid Toll as aforesaid.

Persons having before paid Toll, but going with different Cattle on the same Day shall pay another full Toll.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if they think proper, erect or cause to be erected, at or near any Toll Gate or Turnpike, to be continued or erected by virtue of this Act, or at such other convenient Place or Places, at, upon, or near the said Road as the said Trustees, or any Five or more of them, shall think fit, any Crane, Machine, or Engine for weighing Carts, Waggon, or other Carriages which shall pass or repass on the said Road, or any Part thereof, and they, or any Five or more of them, shall and may, by Writing under their Hands, order and direct all and every or any of such Carts, Waggon, or other Carriages which shall pass or repass on the said Road or any Part thereof, together with or without the Loading thereof, to be weighed; and if any Person or Persons shall unload or cause to be unloaded any Goods or Merchandizes before he, she, or they shall come to any Toll Gate, Turnpike, Machine, or Engine, erected by virtue of the said Act or of this Act, or with Force or otherwise attempt to prevent, hinder, or obstruct the Weighing of any such Cart, Waggon, or Carriage, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may erect Engines and weigh Waggon, &c.

XII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of the said Act or of this Act, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls and Charges of such Distress shall be ascertained by some Justice of the Peace for the County of Nottingham, who, upon Application made to him for that Purpose, shall examine upon the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Tolls due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose, all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Cattle and Goods so distrained, or the Overplus, or any Part thereof respectively.

For settling Disputes concerning Tolls.

XIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent to give Evidence therein by reason of his or their being appointed to collect the said Tolls.

Collectors declared competent Witnesses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order to be made Causeways or Footpaths on the Sides of the said Road or any Part thereof, and if any

Power to make Causeways.

[Loc. & Per.]

12 R

Person

Person or Persons shall ride upon any Causeway or Footpath already made, or to be made on the Sides of the said Road, or any Part thereof, or shall drive any Horse, Mule, Ass, Cattle, Beast, Pig, or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or shall lay any Timber, Hay, Straw, Dung, Compost, Ashes, Rubbish, or any other Matter or Thing whatsoever upon the said Footpaths or Causeways, or any Part thereof, or shall obstruct or impede the Passage upon the same, or shall wilfully cause any Damage whatsoever to be done thereto, or to the Posts erected or to be erected thereon, every such Person offending in any of the Matters or Things aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Trustees may
choose a tem-
porary Col-
lector.

XV. And be it further enacted, That as often as any Collector of the Tolls shall die, absent himself, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting pursuant to this Act, by Writing under their Hands, to appoint any other Person to collect the Tolls, who shall continue in such Office until the Trustees shall, at a Meeting held in pursuance of this Act, appoint a Collector of such Tolls; and if any such Collector, who shall be discharged from his Office by the Trustees, shall refuse to deliver up the Possession of the Toll House and Tenements of or belonging to the said Trustees within Three Days after Notice of his Discharge shall be given to him, or left at his House, or if the Wife or Family of any such Collector who shall die, absent himself, or become incapable as aforesaid, shall refuse to deliver up the Possession of such Toll House and Tenements within Four Days after such new Appointment as aforesaid, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Nottingham*, by Warrant under his Hand and Seal, to order the Constable, or other Officer, with such Assistance as shall be necessary, to enter such Toll House and Tenements in the Day Time, and to remove the Persons who shall be found therein, together with the Goods out of such House, and to put the new appointed Officer in the Possession thereof.

General Ex-
emptions.

XVI. And be it further enacted, That all Exemptions from Toll granted by the said recited Act shall cease and be void, and in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed and in force; (that is to say), that no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going empty or unladen, to carry or convey, or returning empty or unladen from carrying or conveying, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road doth lie, or any Hay, or any 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 thereof; or for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, Lime, or other 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 proper parochial Church, Chapel, or other Place of Religious Worship, tolerated by Law, on a *Sunday*, or 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 Parishes; or from any Clergyman going to or returning from visiting any sick Person in the Discharge of his parochial or ministerial Duty; or for any Horses, Cattle, or Carriages, of whatever Description, 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 Horses, Carts, or Waggon's attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Persons 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 such Persons are 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 Exemptions as aforesaid; or for Horses, Carts, or Waggon's employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, Beast, or Carriage conveying any Elector or Electors to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Nottingham*, or of a Burgess or Burgesses to serve in Parliament for the Town of *Nottingham*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

XVII. Provided always, and be it further enacted, That the Inhabitants of the Parish of *Arnold* shall not be subject to or charged with the Payment of more than One Half Part of the said Tolls, for or in respect of any Horses or other Beasts or Cattle passing or repassing upon the said Road between any Part of the said Parish and the Town of *Nottingham*; and upon Payment of such Half Toll the Collectors thereof shall give *gratis* to such Persons, upon Demand, Notes or Tickets denoting such Payment: Provided also, that the Inhabitants of the Parishes or Townships of *Papplewick* and *Newstead*, or either of them, shall not be subject to or charged with the Payment of more than One Half Part of the said Tolls for or in respect of any Horses, or other Beasts or Cattle passing or repassing upon the said Road between any Part of the said Parishes or Townships and the Town of *Mansfield*; and upon Payment of such Half Toll the Collectors thereof shall give *gratis* to such Persons, upon Demand, Notes or Tickets denoting such Payment.

Inhabitants of Arnold subject only to Half Toll in going to Nottingham.

Inhabitants of Papplewick and Newstead subject to only Half Toll in going to Mansfield.

XVIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed; and that all Persons who by Law are or shall

Statute Work.

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; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Nottingham*, and they are hereby empowered and 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 yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of publick 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 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 Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty imposed by the said recited Act is authorized 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 usual Place or Places of Abode for that Purpose; by any Surveyor of 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 or 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

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 dismiss 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 and 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.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree by the Year, or otherwise, with the Surveyors of the Highways of any of the Parishes, Townships, and Districts through which any Part of the said Road passes, or with the Owners or Occupiers of any Lands, Tenements, or Hereditaments; or other Persons, Bodies Politick or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in or upon the same, or the Performance of Statute Work thereon, for the Payment of any Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, or either of them, or otherwise relating thereto; and it shall also be lawful for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which any Part of the said Road passes, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for the Payment of any Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, or either of them, to be performed by the Occupiers of Lands, Tenements, or Hereditaments, or the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Road, and all Contracts for any of the Purposes aforesaid, shall be binding upon the said Trustees and Surveyors, and all other Parties thereto, their several Heirs, Successors, Executors, Administrators, and Assigns; and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Authorizing the Trustees and others to compound for Statute and other Work.

XX. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

How Surveyors may be reimbursed such Composition Money.

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the said recited Act and this Act, or either of them for the Purposes thereof, which shall

Application of Compensation, if amounting to 200l.

[Loc. & Per.]

125

belong

belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or in Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said recited Act 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 or Redemption of the Land Tax, or 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, 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 or 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 such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Monies shall, by Order of the said Court 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 or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Act and this Act, in case such Purchase or Settlement were made.

Application
of Compen-
sation, if less
than 200l.
and exceed-
ing 20l.

XXII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their

their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in Manner therein-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 Three or more of the Trustees for executing the said Act and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable without obtaining or being required to obtain the Direction or Appointment of the Court of Chancery.

XXIII. Provided also, and be it further enacted, That where 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 this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application of Compensation, if less than 20l.

XXIV. 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 Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; 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 be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy 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, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick 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

In case of not making out Titles; or if Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Orders of the Court of Chancery, on Motion or Petition.

received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession shall be deemed well entitled, unless the contrary be shewn.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XXVI. 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 Act and this Act, the Purchase Money for the same shall be required to be paid into the 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 the said Act and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Act and this Act, or so much of the said Expences as the said Court shall deem reasonable to be paid by the said Trustees out of the Monies to be received by virtue of the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on assaulting Persons, &c.

XXVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage the assaulting, interrupting, hindering, or disturbing the Collectors of the Tolls, or any or either of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by him or the said Trustees in the Execution of the said Act and this Act, every such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Trustees may contract for repairing the Road.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to contract and agree with any Person or Persons for the repairing, widening, altering, turning, amending, or improving the said Road, or any Part or Parts thereof, in such Manner and

and for such Sum or Sums of Money as they the said Trustees, or any Five or more of them, shall think proper; and all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting of the said Trustees shall be binding upon all Parties who shall sign the same, his, her, or their Executors and Administrators; 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.

XXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers or Persons employed under the said Act and this Act, be it therefore further enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers, or other Persons respectively, to seize and detain such unknown Person or Persons so guilty as aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any Offence against this Act shall be committed, without any Warrant or other Authority than this Act for so doing; and such Justice or Justices of the Peace respectively are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, and on such Conviction, or for Want of sufficient Security, to commit the Person or Persons so offending to the Common Gaol for the County or Place where the Offence shall be committed, there to remain until he, she, or they shall pay the respective Penalties by him, her, or them incurred for such respective Offence or Offences, or shall give Security in Manner aforesaid.

Transient Offenders may be apprehended.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up upon the said Road, and inserted in some publick Newspaper circulating in the Neighbourhood of the said Road, may and are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof with such legal Interest as the said Trustees shall think proper; which said Money so to be borrowed shall be applied and disposed of as in this Act mentioned, and to no other Use or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the following Form, or such other Form as the said Trustees, making the same, shall think proper; (that is to say),

Trustees may borrow Money.

BY virtue and in pursuance of an Act, passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled, [here set forth the Title of this Act] in Consideration of the Sum *to A. B. the Treasurer, appointed by the Trustees* for putting the said Act and the Act therein mentioned in Execution, [Loc. & Per.] 12 T—U having

Form of Mortgage.

that the same was done in pursuance and by the Authority of the said Act and of this Act, or either of them; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer any Discontinuance of 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 said Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs of Suit, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

For paying the
Expences of
this Act.

XXXIV. And be it further enacted, That all the Charges and Expences of or incident to the obtaining and passing of this Act shall be paid by the said Trustees, or any Five or more of them, out of any Money already raised by virtue of the said Act, or out of the first Money to arise by virtue of this Act, in Preference to all other Payments whatsoever.

Act Publick.

XXXV. 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
Continuance
of the Act.

XXXVI. And be it further enacted, That this Act shall commence on the Day the same shall receive the Royal Assent, and shall continue in force from thenceforth for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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