ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xvi.

An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late Majesty King *George* the Second, and of His present Majesty, for repairing and widening the Road from the Town of *Mansfield*, in the County of *Nottingham*, to the Turnpike Road leading from *Derby* to *Chesterfield*, in the County of *Derby*.

[23d *March* 1815.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the High Road leading from the Town of* Mansfield *in the County of* Nottingham, *through the Towns of* Pleasley, Glapwell, Heath, *and* Normenton, *and the Liberty of* Hasland, *to the Turnpike Road leading from the Town of* Derby *to the Town of* Chesterfield *in the County of* Derby: And whereas another Act was made in the Twentieth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-second Year of the Reign of His Majesty King* George *the Second, intituled,* 'An 'Act for repairing and widening the High Road leading from the Town of 'Mansfield *in the County of* Nottingham, *through the Towns of* Pleasley, 'Glapwell, Heath, *and* Normenton, *and the Liberty of* Hasland, *to the* 'Turnpike Road *leading from the Town of* Derby *to the Town of* Chester-'field *in the County of* Derby:' And whereas another Act was made in the

32 G. 2. c. 37.

20 G. 3. c. 72.

41 G. 3. c. 91. Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Term and Powers of Two Acts paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King* George *the Second, and the Twentieth Year of the Reign of His preſent Majeſty, for repairing and widening the Road from the Town of* Mansfield *in the County of* Nottingham, *through the Town of* Pleaſley, Glapwell Heath, *and* Normenton, *and the Liberty of* Haſland, *to the Turnpike Road leading from the Town of* Derby *to the Town of* Cheſterfield *in the County of* Derby: And whereas the Truſtees appointed in or by virtue of the ſaid Acts have proceeded to put the ſame in Execution, for which Purpoſe they have borrowed conſiderable Sums of Money on the Credit of the Tolls granted and continued by the ſaid Acts, which Money ſtill remains due and owing and cannot be paid off, nor can the ſaid Road be properly and effectually amended, widened, improved, and kept in repair, unleſs the Term granted and continued by the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof altered, amended, 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 this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, and in the Twentieth and Forty-firſt Years of the Reign of His preſent Majeſty, and all and every the Clauſes, Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Matters, and Things, therein reſpectively contained, (except ſo much and ſuch Part or Parts thereof as are varied, altered, or repealed) ſhall be, and the ſame are hereby declared to be 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, but ſubject nevertheleſs to the Amendments, Variations, Alterations, and Additions, herein contained, and which ſhall commence and take Effect from the Fifth Day of *April* One thouſand eight hundred and fifteen; and this Act and the additional Term, and alſo the Tolls hereby granted, ſhall be ſubject and liable, as well to the Payment of all Money now due and owing on the Credit of the ſaid Acts, or on the Credit of the Tolls thereby granted and continued and made payable, as alſo to the Payment of all Money which ſhall hereafter be borrowed for the Purpoſes of this Act, and of the Intereſt due and to grow due for the ſame reſpectively.

Acts further continued.

Additional Truſtees.

II. And be it further enacted, That *John George Aram, John Andrews* junior, *Joſeph Bingley, Joſeph Bowmar, Thomas Brock, John Watſon Barker, Benjamin Bagſhaw* junior, the Reverend *William Bowerbank, Thomas Brothwell, John Goral Barnes, William Creſwick, William Clay, Jeremiah Claughton, Henry Cowliſhaw, William Collinſon, John Dodſley* junior, *Dickinſon Ellis, William Burgoine Fernell, John Froſt, Reynolds Froſt, Thomas Foſter,* *Fletcher, George Fletcher, Joſeph Gratton, Joſeph Graham, Humphry Goodwin, Charles Gladwin, George Goſling, Mark Hewitt, Charles Hurſt, William Howitt, Robert Hall, William Heath Hill,* Sir *Thomas Windſor Hunloke,* *Healey, Samuel Jenken, Edward Jones, Joſhua Jebb, William Lovett,* *Langley, Lindley,* the Reverend *Thomas Burton Lucas, Bernard Maynard Lucas, Thomas Maltby, James Maltby, Robert Malkin, Thomas Neale, William Paitſon, Samuel Rooth, Benjamin Robinſon, John Rooth, William Smith, Thomas*

Shipman, *John Harvey Sadler*, *Samuel Stirrup*, *Snibson*, *Samuel Sadler*, *William John Stubbing* junior, *Adam Barker Slater*, *William Thornhill*, *Wotton Byrchinshaw Thomas*, *George Vickers*, *Edward Woodcock*, *Robert Watson*, *William Ward*, *Samuel Ward*, *Joseph Wood*, *Samuel Woolley*, *Thomas Watson*, and *Peter Wood* junior, shall be added and joined with the Trustees appointed by or in pursuance of the said recited Acts, for putting the same and this Act into Execution; and the Trustees hereby appointed and their Successors, being qualified according to the Directions of the said recited Act, are hereby empowered to put the said recited Acts and this Act into Execution, as fully and effectually, to all Intents and Purposes, as if they had been named and appointed by the said recited Acts or either of them.

Additional Trustees may be chosen.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (of which Meeting and the Purpose thereof such Notice shall be given as is directed by the said recited Act of the Thirty-second Year of the Reign of His late Majesty, respecting the Appointment of future Trustees on Vacancies) to elect, nominate, and appoint, any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of the said recited Acts and this Act.

Meetings on Emergencies.

IV. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by an Adjournment, or if, for Want of a proper Adjournment or otherwise, it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by any Three or more of them, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in Manner directed by the said first recited Act, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly, Notice of such intended Meeting having been affixed upon all the Toll Gates Seven Days previous to the Meeting; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Repealing Provision that One Meeting in each Year should be held at Chesterfield.

V. And be it further enacted, That so much of the said recited Act of the Twentieth Year of the Reign of His present Majesty as enacts, that One Meeting in every Year should be held at the Town of *Chesterfield*, for the Purposes of the former and that Act, shall be and the same is hereby declared to be repealed.

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

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done against or by virtue or in pursuance of the said recited Acts or this Act, in the Name either of their Clerk or Treasurer 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 of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by any Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Treasurer for the Time being

being ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit; and every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed, out of the Firſt Money to ariſe by virtue of the ſaid recited Acts and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Suit, or any Proceeding had thereon, he ſhall bear, pay, expend, or be put unto or become chargeable with or liable to, by reaſon of his ſo being made Plaintiff or Defendant as aforeſaid.

For diſcontinuing the preſent Tolls and granting new ones.

VII. And whereas the Tolls by the ſaid firſt recited Acts authorized to be taken on the ſaid Road have been found inſufficient effectually to maintain and repair the ſame, and pay the Intereſt of the Money borrowed on the Credit of the ſaid Tolls; be it therefore further enacted, That the ſeveral Tolls now payable by virtue of the ſaid recited Acts ſhall ceaſe, determine and be no longer payable; and that inſtead thereof the following Tolls ſhall be demanded and taken; (that is to ſay),

New Tolls.

For every Horſe drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calaſh, Hearſe, Chaiſe, Phaeton, Whiſky, Chair, or any other ſuch Carriage, the Sum of Three-pence:

For every Horſe drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or Six Inches, and drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Three-pence:

For every Horſe drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, and drawn by Four or more Horſes or other Beaſts of Draught, the Sum of Four-pence Halfpenny; and drawn by One Horſe or other Beaſt of Draught, the Sum of Four-pence:

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

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

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

And that Double the ſaid reſpective Tolls ſhall be demanded and taken for all Horſes, Cattle, Beaſts, and Carriages upon every *Sunday* in the Year (to be reckoned from Twelve of the Clock in every *Saturday* Night, to Twelve of the Clock in the next ſucceeding *Sunday* Night):

Which ſaid Tolls ſhall be and the ſame are hereby veſted in the Truſtees for executing the ſaid recited Acts and this Act; and the ſame ſhall and may be demanded, levied, recovered, applied, and diſpoſed of in the ſame Manner, and to and for the ſame Uſes, Intents, and Purpoſes, as in and by the ſaid recited Acts is and are mentioned and declared with reſpect to the Tolls thereby granted and continued.

VIII. And

Repealing Proviſion reſpecting Number of Tolls.

VIII. And be it further enacted, That ſo much of the ſaid firſt recited Act as enacts, that the therein-before mentioned Tolls ſhould be paid Twice, and no more, between the ſaid Town of *Mansfield* and the ſaid Town of *Cheſterfield*, but only Once between the ſaid Town of *Mansfield* and the ſaid Town of *Heath*; and only Once, and no more, between the ſaid Town of *Cheſterfield* and the ſaid Town of *Glapwell*, ſhall be and the ſame is hereby declared to be repealed.

Tolls to be paid between Mansfield and Chesterfield, and Chesterfield and Glapwell.

IX. And be it further enacted, That the Tolls herein-before mentioned ſhall be paid Three Times and no more between the ſaid Town of *Mansfield* and the ſaid Town of *Cheſterfield*; and only once between the laſt mentioned Town, and the Turnpike Gate now ſtanding on the ſaid Road at or near *Glapwell*: Provided always, that nothing in the ſaid Acts or this Act contained ſhall authorize the ſaid Truſtees to erect any other Gate between the ſaid Towns of *Cheſterfield* and *Glapwell* than thoſe now ſtanding on the ſaid Road.

Limitation of the Tolls payable on each Line of Road in one Day.

X. And be it further enacted, That all and every Perſon and Perſons having paid the reſpective Tolls by this Act granted and made payable for the paſſing of any Horſes, Cattle, or Carriage whatſoever, at any Gate or Turnpike that now is or ſhall hereafter be ſet up or erected upon or on the Side of the Roads mentioned, and deſcribed in the ſaid recited Acts, and producing a Note or Ticket of the Day denoting ſuch Payment, (which Note or Ticket ſhall name and ſpecify the ſeveral Gates through which ſuch Perſon or Perſons may paſs Toll-free on Production thereof), ſhall be permitted to paſs, return, and repaſs, with the ſame Horſes, Cattle, or Carriage, at any Time or Times during the ſame Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, through all the Gates or Turnpikes to be erected upon or on the Sides of the Roads deſcribed in the ſaid recited Acts or any of them, without paying any further Toll.

Stage Coaches, &c. returning the ſame Day, ſhall pay another Toll.

XI. And be it further enacted, That from and after the Fifth Day of *April* One thouſand eight hundred and fifteen, if any Perſon ſhall have paid Toll for the paſſing of any Stage Coach, Long Coach, or Diligence, through any Gate or Turnpike, ſhall again come to and attempt to paſs the ſame Gate or Turnpike on the ſame Day, every ſuch Perſon ſhall again pay another Toll for the paſſing of ſuch Stage Coach, Long Coach, Diligence, or Carriage, as if no Toll had been before paid.

General Exemptions from Toll.

XII. And be it further enacted, That the Exemptions from Toll granted by the ſaid recited Acts ſhall be repealed, and that no Toll ſhall be demanded, taken, or received at any of the Turnpike Gates erected or to be erected or continued upon the ſaid Road, for any Horſes, Cattle, or Carriages of whatſoever Deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon,

Wain, Cart, or other Carriage, whatſoever, or the Horſe or Horſes drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from Church, Chapel, or other uſual Place of Religious Worſhip, within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays* or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place in which any Part of the ſaid Road lies; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Nottingham* and *Derby*; or of carrying or conveying poor Perſons or Vagrants ſent by legal Orders or Paſſes; or of carrying or conveying Hay, Straw, or Corn in the Straw for the Uſe of the Owners, and not for Sale or purchaſed; or of carrying or conveying any Limeſtone, Lime, Dung, Mould, Manure, or Compoſt to be uſed only for manuring the Land or going or returning empty in that Employment; nor for any Horſes, Beaſts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry; nor for any Horſe, Beaſt, or Cattle, paſſing to or repaſſing from Water or Paſture; nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for making or repairing any Highway or public Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid, or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Roads; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay 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 the ſaid recited Acts and this Act.

Carriages employed in His Majeſty's Service not to be ſubject to Penalties for Overweight.

XIII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject or liable to any Penalty or Forfeiture for Overweight; nor ſhall any Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn

by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

Diſputes concerning the Tolls to be ſettled by a Juſtice.

XIV. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale of keeping the Diſtreſs (as the Caſe ſhall happen) ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, or Place where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtices ſhall appear right and proper, all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof, forthwith by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, attending ſuch Coſts and Charges, and the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Toll Collectors to put their Names

XV. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees, or any Five or more of them, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them; or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded; or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road; or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon; then, and in every ſuch Caſe, every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, and ſuch Penalty ſhall be recovered and applied

plied as other Penalties are by this Act directed to be recovered and applied.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XVI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls or any of them, or to the Recovery of any of the ſaid Penalties by the ſaid recited Acts or this Act to be laid, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

To enable Truſtees to take Poſſeſſion of Toll Houſes, &c. in the Hands of Leſſees, Farmers, or Collectors.

XVII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, erected or to be erected on the ſaid Roads, ſhall at any Time or Times be demiſed or let to Farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers, to whom the ſaid Tolls ſhall be reſpectively demiſed or let, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, or any Part or Inſtalment thereof, ſhall be in Arrear and unpaid by the Space of Ten Days next after any of the Days on which the ſame ought to be paid, purſuant to the Contract or Agreement for letting the ſame; or if any Collector or Receiver of the Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or Repreſentatives of any Collector or Receiver, who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon who ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, with the Buildings and Appurtenances thereto belonging, for the Space of Three Days next after Demand made thereof in Writing, ſigned by any Five of the Truſtees, or by their Clerk or Treaſurer, and left at ſuch Toll Houſe, or in any Toll Houſes, Weighing Engine or Weighing Engines, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County or Place in which ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, Buildings and other Premiſes ſhall be ſituate, by Warrant under his Hand and Seal to order the Conſtable or other Peace Officer to enter into and upon the Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, and other Buildings and Premiſes, in the Day Time, and remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame and from the Collection of the Tolls there payable, and to put the ſaid Truſtees or any of their Officers, or any other Perſon or Perſons appointed by the ſaid Truſtees, or any Five or more of them, in Poſſeſſion thereof; and on ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons employed by or in Poſſeſſion under them, being ſo put out of Poſſeſſion as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think fit, to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the

the ſame ſhall accordingly be utterly void to all Intents and Purpoſes, as if ſuch Demiſe, Contract, or Agreement had never been made, (ſave as to the Covenants and Agreements for Payment of the Rent or Rents thereby reſerved or made payable); and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe or let to Farm the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no former Demiſe, Contract, or Agreement, had been made or entered into relative to the ſame.

Power to make Foot-paths, and impoſing Penalty on Perſons injuring ſame.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe Footpaths or Cauſeways to be made on the Sides of the ſaid Road, or any Part or Parts thereof; and if any Perſon or Perſons ſhall ride upon any ſuch Footpath or Cauſeway when made by the ſaid Truſtees or any Surveyor or Surveyors of the Highways, or any other Perſon or Perſons within any of the ſaid Pariſhes, Hamlets, or Places through which the ſaid Road paſſes, 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 wilfully cauſe any Damage whatſoever to be done thereto, 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; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings; to be recovered, levied, and applied in ſuch Manner as other Penalties and Forfeitures are by the ſaid recited Acts or one of them directed to be recovered, levied, and applied.

Power to get Materials.

XIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any Materials for making and repairing the ſaid Roads, out of any Common River or Brook, or out of or from any Waſte or Common, in or near or convenient to which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors or other Perſons filling up the Pits or Quarries, levelling the Grounds, or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds, for or with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any ſuch Materials in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid,

ſaid, any Two Juſtices of the Peace for the County wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Ten Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive on all Parties.

Notice to be given to the Owners or Occupiers of Land before Materials are got.

XX. Provided nevertheleſs, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Land, until Notice in Writing, ſigned by the ſaid Surveyor, ſhall have been given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Owner or Occupier's uſual Place of Reſidence, to appear before any Two Juſtices of the Peace, acting for the County or Place wherein ſuch Land ſhall lie, to ſhew Cauſe why ſuch Materials ſhould not be had therefrom; and in caſe any ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, ſuch Two Juſtices ſhall, if they ſhall think proper, authorize ſuch Surveyor or other Perſon to dig, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent had attended, and the Order of ſuch Juſtices reſpectively ſhall be final and concluſive to and upon all Parties.

Reſpecting diſputed Titles.

XXI. 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 the ſaid recited Acts or this Act, for the Purchaſe of any Lands, Grounds, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Grounds, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Grounds, 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, Grounds, 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, Grounds, or Hereditaments, or ſome Eſtate or Intereſt therein.

In caſe of not making out Titles.

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

or if the Perſons canot be be found, Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Chancery, on Motion or Petition.

XXIII. 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, Grounds, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Grounds, or Hereditaments, to be ſettled to the like Uſes in purſuance of the ſaid recited Acts or this Act, it ſhall be lawful 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 recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or attempt ſo to do, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector or Collectors of the Tolls, employed in the Execution of the Powers by the ſaid recited Acts or this Act given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Perſons interrupting Collectors or Surveyors.

XXV. And

Statute Work.

XXV. And be it further enacted, That ſo much of the ſaid recited Acts 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 be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the Counties of *Nottingham* or *Derby*, within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their reſpective Treaſurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Hamlet, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them, paid to the ſaid Truſtees, or to their Treaſurer 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 for every ſuch Pariſh, Hamlet, or Place, within their reſpective Juriſdictions, 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, Hamlet, 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 the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do 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 in ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof, as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees, or their Treaſurer or Treaſurers, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall refuſe or neglect to do Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer

Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon, who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge 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 if any Surveyor of the Highways for any of the ſaid Pariſhes, Hamlets, 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 Five Pounds.

Power to detain Perſons guilty of Offences.

XXVI. And whereas Perſons guilty of Offences againſt the ſaid recited Acts or this Act may be unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore further enacted, That it ſhall be lawful for the Surveyors, or other Officers duly authorized by the Truſtees, to ſeize and detain any unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them before any One or more Juſtice or Juſtices of the Peace for the County where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Form of Conviction;

XXVII. And, for the more ſpeedy and eaſy Conviction of Offenders againſt the ſaid recited Acts and this Act, be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid recited Acts or this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect; (*videlicet*),

County of } ‘ BE it remembered, That on the Day of in the Year of His Majeſty’s ‘ Reign *A. B.* is convicted before of His Majeſty’s ‘ Juſtices of the Peace for the County of by virtue of an Act ‘ made in the Fifty-fifth Year of the Reign of His Majeſty King ‘ *George* the Third, intituled *An Act* [*here ſet forth the Title of the Act,* ‘ *ſpecifying the Offence, and the Time and Place when and where the ſame was* ‘ *committed, as the Caſe ſhall be*]. Given under our Hands and Seals, [*or* ‘ my Hand and Seal, *as the Caſe may be*], the Day and Year firſt above ‘ written.’

not to be quaſhed for Want of Form, &c.

And that no Objection ſhall be made or any Advantage taken for Want of Form in any ſuch Conviction by any Perſon or Perſons whomſoever; and that no Proceeding to be had, touching the Conviction of any Offender or Offenders againſt the ſaid recited Acts or this Act, ſhall be quaſhed or vacated for Want of Form, or be removeable by *Certiorari* or any other Proceſs whatſoever, into any of His Majeſty’s Courts of Record at *Weſtminſter*.

For paying the Expences of the Act.

XXVIII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, as ſoon as may be, out of the Monies received or to be received or borrowed by virtue of the ſaid recited Acts or this Act, in Preference to all other Payments whatſoever; and in caſe any Perſon or Perſons ſhall advance and pay any Money for the Expences of obtaining and paſſing this Act, ſuch Perſon and Perſons ſhall be repaid the ſame, together with lawful Intereſt thereon, from the Time of advancing the ſame.

Public Act.

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

Term of the Act.

XXX. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall, upon the Fifth Day of *April* One thouſand eight hundred and fifteen, ceaſe and determine; and that the ſaid Acts (except ſuch Parts thereof as are hereby varied, altered, or repealed) and this Act ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1815.