ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 12.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from *Dunham* Ferry to the South End of *Great Markham* Common, in the County of *Nottingham*. [23d *March* 1813.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from* Dunham *Ferry to the South End of* Great Markham *Common in the County of* Nottingham: And whereas an Act was passed in the Thirty-first Year of His present Majesty's Reign, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Road from* Dunham *Ferry to the South End of* Great Markham *Common, in the County of* Nottingham: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded in the Execution of the same; and several considerable Sums of Money have been subscribed and advanced towards the Reparation and Amendment of the said Road which still remain unpaid; and the said Road cannot be effectually amended, widened, improved and kept in Repair, unless the Term in the said Acts be further continued, some of the Powers and Provisions thereof amended, altered, and enlarged, and the present Tolls increased: 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

5 G. 3. 54.

31 G. 3. c. 131.

Term further continued.

the Authority of the ſame, That the ſaid recited Acts, and all the Clauſes, Powers, Authorities, Proviſions, Regulations, Reſtrictions, Penalties, Forfeitures, Matters and Things therein reſpectively contained, and in force at the Time of paſſing this Act (except ſuch Parts of the ſaid recited Acts as relate to Exemptions from Stamp Duties, and alſo ſuch as are by this Act varied, altered or repealed) ſhall be and continue in full Force and Effect, and, together with this Act, ſhall be executed for and during the Term herein-after mentioned, as fully and effectually in all Reſpects, and to all Intents, Conſtructions and Purpoſes, as if ſuch Clauſes, Powers, Authorities, Proviſions, Regulations, Reſtrictions, Penalties, Forfeitures, Matters and Things were expreſsly repeated and re-enacted in the Body of this Act; ſubject nevertheleſs to the Alterations and Amendments in this Act contained; and that the Term and 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 upon the Credit of the ſaid recited Acts or either of them, and alſo of all ſuch further Sum or Sums of Money as ſhall or may be hereafter borrowed or become due on the Credit of the ſaid recited Acts or of this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Truſtees.

II. And be it further enacted, That *John Abſon*, *Joſeph Alliſon*, *Armitſtead* Clerk, *Robert Hartſhorne Barber*, *Samuel Barker*, *William Becher* Clerk, *Sherard Becher* Clerk, *John Thomas Becher* Clerk, *John Becher*, *John Bigſby* Doctor of Phyſic, *Hugh Blaydes*, *Hugh Blaydes* the younger, *George Booth* Clerk, *Martin Bower*, *Martin Bower* the younger, *Joſhua Brooke* Clerk, *Joſeph Cavie*, *Alexander Cavie*, *Wharton Cavie*, *William Woolby Cavie*, *William Clarke*, *Thomas Colton*, *Charles Crawford*, *Samuel Crawley*, *Francis Creſwell* Clerk, *George Creſwell*, *John Denſon*, *Thomas Lacey Dickonſon*, *Peter Dickonſon*, *Frederick Dickonſon*, *Henry Dickonſon*, *Alexander Lyon Emerſon* Doctor of Phyſic, *Anthony Hardolph Eyre*, *John Eyre* Clerk, *John Hardolph Eyre*, *Charles Waſteneys Eyre*, Sir *George Eyre* Knight, *George Eyre* the younger, *William Eyre*, *Robert Evans* Clerk, *Alexander Farquharſon*, *Francis Ferrand Foljambe*, *Henry Savile Foljambe*, *George Foljambe*, *Francis Ferrand Foljambe* the younger, *Charles Fowler* Clerk, *Francis Foxlow* Clerk, *Dennis Frith*, *John Gylby*, *John Gylby* the younger, *Worthington Gylby*, *William Hodges* Clerk, *John Holmes*, *Gervas King Holmes*, *John Hutchinſon*, *Richard Hutchinſon*, *Henry Clarke Hutchinſon*, *John Hutchinſon* the younger, *George William Hutton*, Sir *John Ingilby* Baronet, Sir *William Ingilby* Baronet, *George Kelk*, *John Kirke*, *William Kirke*, *John Kirke* the younger, *James Kirke*, *Henry Kirke*, *Beaumont Marſhall*, *William Maſon*, *George Maſon* Clerk, *Nathaniel Maſon*, *John Mee*, *Henry Howard Molyneux*, *Robert Moody*, *Robert Moody* Clerk, *George Moody*, *Monckton*, *Monckton*, *Richard Morton* Clerk, *George Morton* Clerk, *William Mould* Clerk, *George Nevile*, *Chriſtopher Nevile*, *John Otter*, *John Parker*, *Robert Ramſden*, *Robert Ramſden* the younger, *Henry Ramſden* Clerk, *Francis Raynes*, *George Raynes*, *John Rogers*, *Robert Sharpe*, *John Sharpe*, *Edward Sharpe*, *Thomas Henry Shepherd* Clerk, the Honourable *John Simpſon*, *Henry Simpſon*, *John Simpſon* the younger, *George Stovin*, *Samuel Thorold*, *Michael Thorold* Clerk, *Samuel Thorold* the younger, *Charles Thorold* Clerk, *George Waddington* Clerk, *George Waddington* the younger, *Horace Waddington*, *Joſhua Walker*, *Joſhua Walker* the younger, Sir *Thomas Woollaſton White* Baronet, *Taylor White*, *Charles Laurence White*, *Thomas Woollaſton White* the younger, *Taylor White* the younger, *Abraham Youle* Clerk, and *Edward Youle*; and alſo the Members in

Parliament for the County of *Nottingham*, and for the Borough of *East Retford*, for the Time being, and their Succeſſors to be elected in Manner hereinafter mentioned, together with the ſurviving and remaining Truſtees appointed under or by virtue of the ſaid recited Acts, or either of them, ſhall be and they are hereby appointed Truſtees for the wideming, altering, repairing and keeping in Repair the Road compriſed in the ſaid firſt recited Act, and puting in Execution both the ſaid recited Acts and this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue or under the Powers of the ſaid recited Acts or either of them.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act and the ſaid recited Acts, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this Act and the ſaid recited Acts, as if they had been herein named and appointed.

Power to elect new Truſtees.

IV. And be it further enacted, That when and ſo often as any of the ſaid Truſtees hereby nominated and appointed, or to be appointed by virtue of this Act, ſhall die, or become diſqualified or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, at a Meeting to be held for that Purpoſe, to elect and appoint ſome other Perſon to be a Truſtee in the room of every Truſtee ſo dying or becoming diſqualified or refuſing to act, and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, or advertiſed in one of the *Nottingham* Newſpapers at leaſt Seven Days before any ſuch Meeting; and all and every Perſon and Perſons who ſhall be ſo elected (being qualified as herein-after mentioned), ſhall be and is and are hereby veſted with the ſame Powers and Authorities for putting this and the ſaid recited Acts in Execution, as if ſuch Perſon or Perſons had been in or by this Act nominated and appointed Truſtees.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this or the ſaid recited Acts, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; or ſhall be Heir Apparent of a Perſon ſeiſed of a Real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate of Three thouſand Pounds; nor (except in adminiſtering the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed, before any Two or more of the ſaid Truſtees, an Oath or Affirmation, in the Words or to the Effect following, and which Oath the ſaid Truſtees are hereby empowered to adminiſter; (that is to ſay)

Oath.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] that I truly and *bona fide* am in my own Right [*or*,

'[*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or 'Receipt of the Rents and Profits of Lands, Tenements, or Heredita-'ments, of the clear yearly Value of One hundred Pounds above Re-'prizes [*or*, am Heir Apparent of *A. B.*], who, to the beſt of my Know-'ledge and Belief, is ſeiſed of ſuch an Eſtate of the clear yearly Value 'of Two hundred Pounds [*or*, am poſſeſſed of a Perſonal Eſtate of the 'Amount of Three thouſand Pounds] after all my Debts are paid.

'So help me GOD.'

Penalty on Perſons acting without being qualified.

Nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act, in any Caſe wherein he ſhall be perſonally intereſted, other than as a Creditor, nor while he holds any Place of Profit under this Act; or who ſhall ſell any Wine, Cyder, Ale, Beer or Spirituous Liquors by Retail; and if any Perſon diſqualified by any of the Cauſes aforeſaid, or not being qualified as aforeſaid, ſhall nevertheleſs act as ſuch Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided always nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the ſaid recited Acts or this Act, or receiving Intereſt thereout for the ſame, ſhall on that Account be deemed unqualified to act as a Truſtee in the Execution of the ſaid recited Acts or this Act: Provided alſo, that ſuch of the ſaid Truſtees hereby nominated or to be appointed by virtue of this Act, as are or ſhall be in the Commiſſion of the Peace for the County of *Nottingham*, may nevertheleſs act as Juſtices of the Peace in the Execution of the ſaid recited Acts or this Act, except only in ſuch Caſes where they ſhall be individually intereſted.

Truſtees being Juſtices may act as ſuch.

Meetings of Truſtees, etc.

VI. And be it further enacted, That the Truſtees for executing this and the ſaid recited Acts, or any Five or more of them, ſhall meet together at the *White Hart* Inn, in the Town of *Eaſt Retford*, on the Second *Tueſday* after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and may at ſuch Meeting, and alſo at any ſubſequent Meeting to he holden for the Purpoſe of carrying the ſaid recited Acts and this Act into Execution, from Time to Time adjourn, and appoint any other Meeting or Meetings to be holden at the ſame or any other Place near the ſaid Roads, and at ſuch Times as to them ſhall ſeem proper; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of the ſaid Truſtees to act in the Execution of this Act or the ſaid recited Acts, the Truſtee or Truſtees then preſent, or the

Clerk

Clerk or Clerks to the ſaid Truſtees, may adjourn ſuch Meeting to that Day Month, and by Notice in ſome one or more of the *Nottingham* Newſpapers, or by Writing under their or his Hands or Hand, to be affixed on all the Turnpike Gates then erected upon the ſaid Road at leaſt Seven Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the ſaid Meeting of the ſaid Truſtees was laſt appointed to be held, or at ſome other convenient Inn or Public Houſe upon or near ſome Part of the ſaid Road, on ſome future Day; and if it ſhall at any Time happen that no Truſtee ſhall appear at the Time and Place appointed for any of the Meetings of Truſtees to be held under this Act or the ſaid recited Acts, or that the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice, as aforeſaid, it ſhall be lawful for any Two or more of the ſaid Truſtees at any Time or Times to appoint, by Notice to be given as aforeſaid, a Meeting to be held at ſome Inn or Public Houſe on or near the ſaid Road on ſome Day within Fourteen Days then next enſuing, but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, and no Adjournment ſhall be made to, or any Meeting appointed to be held at, any Time later than Two of the Clock in the Afternoon; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act, which ſhall be paid for out of the Monies to ariſe by virtue of this Act, ſo that the ſame ſhall not exceed the Sum of Ten Shillings at each Meeting.

Meetings on Emergencies.

VII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees by virtue of this Act, or at any other Time it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment or otherwiſe, then the Clerk or Clerks to the ſaid Truſtees, upon receiving 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 by Advertiſement as aforeſaid Ten Days at leaſt previous to the holding of the ſame, and ſuch earlier Meeting ſhall or may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meetings ſhall be deemed valid and effectual; but that no Buſineſs ſhall be tranſacted or done at any ſuch Meeting, other than ſuch as ſhall be ſpecified in ſuch Notice.

Quorum of Truſtees.

VIII. And be it further enacted, That all and every the Clauſes, Powers, Authorities, Proviſions, Regulations, Appointments, Nominations, Reſtrictions, Penalties, Forfeitures, Matters, and Things, in the ſaid recited Acts or either of them contained, and therein appointed and enacted to be executed by any Seven or more of the ſaid Truſtees, ſubject nevertheleſs to the Alterations and Amendments in this Act contained; and alſo all and every the Clauſes, Powers, Authorities, Proviſions, Regulations, Appointments, Nominations, Reſtrictions, Penalties, Forfeitures, Matters, and Things in this Act contained, ſhall be executed by any Five or more of the ſaid Truſtees, as fully and effectually, to all Intents, Conſtructions, and Purpoſes, as the ſame might have been executed by Seven or more of the ſaid Truſtees according to the Proviſions and Directions of the ſaid recited Acts or either of them.

Proceedings, etc. to be entered in a Book, and ſigned by the Clerk.

IX. And be it further enacted, That all the Acts, Orders, Accounts, and Proceedings of the Truſtees to be done, made, or had by virtue of this Act or the ſaid recited Acts, ſhall be fairly entered in a Book or Books, to be by the Clerk or Clerks reſpectively to the ſaid Truſtees kept for thoſe Purpoſes; and that no Act or Order ſhall be done or made by any of the ſaid Truſtees, except at a public Meeting of them the ſaid Truſtees, to be held in purſuance of this Act (except as herein-before is excepted); and that at any Meeting, in caſe of any Diverſity of Opinion in the ſaid Truſtees concerning any Matter to be done in purſuance of this Act, the Matter ſhall be determined by a Majority of Voices; and that at all and every ſuch Meetings, a Chairman ſhall be appointed, who, in caſe of an Equality of Votes upon any Queſtion or Proceeding at ſuch Meeting, ſhall have and give the deciſive or caſting Vote; and ſuch Acts, Orders, Accounts and Proceedings ſo entered, ſhall be ſigned by the ſaid Clerk or Clerks, and being ſo ſigned, ſhall be deemed to be Originals; which ſaid Books, and alſo the Books directed to be kept for entering Aſſignments and Transfers, as herein-after mentioned, ſhall be admitted as Evidence in all Courts whatſoever.

No Order of Truſtees to be revoked, unleſs at a ſubſequent Meeting to be held for that Purpoſe, and Notice thereof given.

X. And be it further enacted, That no Order made by the ſaid Truſtees, or any Five or more of them, in, for, or concerning the Execution of the Truſts, Powers, and Authorities hereby in them repoſed, ſhall be revoked, repealed, altered, or ſet aſide by any ſubſequent Order of the Truſtees, unleſs a greater Number of Truſtees ſhall be preſent than the Number of Truſtees who made ſuch Order, and at a Meeting to be held for that Purpoſe, ſhall be conſenting thereto; of which Meeting, and the Intent thereof, Fourteen Days previous Notice ſhall be given, by Advertiſement as aforeſaid, or affixed in Writing upon all the Turnpike Gates erected or continued by virtue of this Act.

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

XI. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted, or defended by or againſt the ſaid Truſtees, ſhall be had, taken, proſecuted, or defended in the Name of their Treaſurer or Clerk; and that no Action, Suit, Proſecution, Information, Appeal, or other Proceedings, to be had, taken, proſecuted, or defended, by or againſt the ſaid Truſtees, or any of them, by virtue of this or the ſaid recited Acts, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk; but that the Treaſurer or Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, as the Caſe ſhall be: Provided always, that all and every ſuch Treaſurer or Clerk, in whoſe Name or Names any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceeding ſhall be had, taken, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies ariſing by virtue of this or the ſaid recited Acts, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he or they ſhall pay, bear, ſuſtain, expend or be put unto, or become chargeable with or liable for, or be fairly entitled to by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants,

Defendants, Informant or Informants, Appellant or Appellants, Respondent or Respondents as aforesaid.

Former Tolls repealed, and new Tolls granted.

XII. And be it further enacted, That the Tolls granted by the said first recited Act shall be and the same are hereby declared to be repealed, and that in lieu thereof, it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed under or by virtue of the said recited Acts or this Act, Collector or Collectors, to demand and take the several Tolls and Duties following, at each and every Toll Gate or Turnpike which is or shall be erected upon, across, or on the Sides of the said Road, by virtue of the said recited Acts or this Act, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); (that is to say)

For every Coach, Berlin, Landau, Chariot, Calash, Curricle, Chaise, Chair, Hearse, Chaise Marine, or other Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings:

For every Coach, Berlin, Landau, Chariot, Calash, Curricle, Chaise, Chair, Hearse, Chaise Marine, or other Carriage, drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence:

For every Coach, Berlin, Landau, Chariot, Calash, Curricle, Chaise, Chair, Hearse, Chaise Marine, or other Carriage, drawn by Three or Two Horses or other Beasts of Draught, the Sum of One Shilling and Three-pence:

For every Chaise or Chair, Waggon, Wain, Car, Cart, Caravan, or other Carriage, drawn by only One Horse or other Beast of Draught, the Sum of Seven-pence:

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

For every other Waggon, Wain, Cart, or Carriage, drawn by more than Six Horses or other Beasts of Draught, the Sum of Three Shillings:

For every other Waggon, Wain, Cart, or Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence:

For every Waggon, Wain, Cart, or Carriage, drawn by Five or Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart, or Carriage, drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or Carriage, drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other Carriage, drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, Ass, Bullock, or Beast not drawing, the Sum of One Penny Halfpenny:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so on in Proportion for any greater or less Number: And,

Double Toll on Sunday.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricle, or Calash, and for every Horse, Mare, Gelding, Mule, Ass, or other Beast,

Beaſt, and for every Drove of Calves, Hogs, Sheep, or Lambs, which ſhall paſs through any of the ſaid Gates on a *Sunday*, double the Tolls herein-before mentioned for the paſſing of every ſuch Carriage, Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt, Calves, Hogs, Sheep, or Lambs.

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate already erected and continued, or to be erected by virtue of this Act, upon or acroſs the ſaid Road or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver, *gratis*, to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and the ſaid ſeveral Tolls by this Act granted ſhall be demanded and taken in the Name of or as a Toll, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be levied and recovered in ſuch and the ſame Manner as the ſeveral Tolls granted and made payable by the ſaid recited Acts, are thereby directed to be levied and recovered; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, and diſpoſed of, in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Powers, Proviſions, Regulations, and Reſtrictions, as are contained in the ſaid recited Acts with reſpect to the Tolls thereby provided, and made payable, but ſubject nevertheleſs to the Proviſions, Alterations, Amendments, and Regulations, in the ſaid recited Acts contained, with reſpect to raiſing and leſſening the ſame.

No more than One Toll to be taken for paſſing through all the Toll Gates.

XIII. Provided nevertheleſs, and be it further enacted, That nothing in this or the ſaid recited Acts contained ſhall authorize or empower the demanding or taking of the Tolls aforeſaid of or from any Perſon or Perſons more than once for paſſing through all or any of the Turnpikes or Toll Gates to be erected acroſs or on the Sides of the ſaid Road, with any Carriage, Horſe or Horſes, Mules, Beaſts, Oxen or other Cattle as aforeſaid, in one and the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night; but that all and every Perſon and Perſons, having paid the full Tolls hereby authorized to be taken at any one of the ſaid Gates or Turnpikes for any Carriage, or Horſe or Horſes, Mules, Beaſts, Oxen, or other Cattle, ſhall, upon producing a Note or Ticket denoting ſuch Payment, be permitted to paſs and repaſs any Number of Times Toll-free during ſuch Day as aforeſaid, with ſuch Carriage, Horſe or Horſes, Mules, Beaſts, Oxen, or other Cattle, through all the Turnpikes or Toll Gates on the ſaid Road; all which Notes or Tickets the Collectors of the Tolls are hereby required to give, *gratis*, on the Receipt of the Tolls.

Power of Diſtreſs.

XIV. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any or either of the ſaid Tolls, ſhall, after Demand thereof made either at the Turnpike where ſuch Toll ſhould be collected, or immediately after paſſing through the ſame, neglect or refuſe to pay the ſaid Tolls, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, in reſpect whereof ſuch Tolls are payable, together

ther with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, (except the Bridle or Reins of ſuch Horſe or other Beaſt apart from ſuch Horſe or other Beaſt), or their Loading, or any Carriage with its Loading, or a ſufficient Part thereof; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Three Days next after the Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money (if any be) and what ſhall remain unſold, on Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XV. And be it further enacted, That if any Diſpute or Diſputes ſhall happen or ariſe between the Collector or Collectors of the ſaid Tolls, his, her, or their Servants, Agents, or Aſſiſtants, with any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer employed on the ſaid Road, or with any Paſſenger or Paſſengers travelling on the ſame, relative to the Amount of the Tolls due, or the Charges of keeping any Diſtreſs or Diſtreſſes for the Non-payment thereof, by ſuch Collector or Collectors; or any Perſon or Perſons by him, her, or them employed, offering any ſuch Truſtee, Treaſurer, Clerk, Surveyor or other Officer, or Paſſenger or Paſſengers, any bad or baſe Coin or counterfeit Coin, not being the current Coin of this Kingdom, knowing the ſame to be bad or counterfeit, or by unneceſſarily delaying or detaining any ſuch Truſtee, Treaſurer, Clerk, Surveyor or other Officer, Paſſenger or Paſſengers; or by ſuch Collector or Collectors, or his, her, or their Servants, Agents, or Aſſiſtants, or other Perſon by them employed, making uſe of any ſcurrilous or abuſive Language, then and in any or either of the ſaid Caſes it ſhall be lawful for any of His Majeſty's Juſtices of the Peace reſiding near the Place where any ſuch Offence or Offences ſhall be committed, upon Complaint of the Perſon or Perſons aggrieved, or who ſhall witneſs the Offence committed, to cauſe ſuch Collector or Collectors, his, her, or their Servants, Agents, or Aſſiſtants, or any Perſon or Perſons by him, her, or them employed, and all other Perſons concerned, to appear and be brought before ſuch Juſtice of the Peace by Warrant under his Hand and Seal, and to make Enquiry of and concerning ſuch Offence or Offences in a ſummary Way, as well by the Confeſſion of the Parties themſelves as by the Teſtimony of the Perſon or Perſons aggrieved, upon Oath, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter); and if ſuch Collector or Collectors, his, her, or their Servants, Agents, or Aſſiſtants, or any other Perſon or Perſons by him, her, or them employed, or any of them, ſhall be convicted by ſuch Juſtice of any ſuch Offence or Offences, ſuch Perſon or Perſons ſo convicted ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, at the Diſcretion of the Juſtice of the Peace before whom he, ſhe, or they ſhall be ſo convicted, together with all reaſonable Coſts, Charges, and Expences attending ſuch Conviction.

Penalty for Perſons permitting or uſing any private Paſſage, or evading Tolls.

XVI. And be it further enacted, That if any Perſon or Perſons whomſoever, owning, renting, or occupying any Tenements, Lands, or Grounds, near to the ſaid Road, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage, or Way, with any Carriage, Horſe, Mare, Gelding, Mule, or Aſs, or any Sort of Cattle, on which a Toll is by this Act impoſed, whereby the Payment

ment of the Tolls by this Act granted shall be evaded; or if any Person or Persons owning, riding in, or driving any such Carriage, or owning, riding, or driving any such Horse, Mare, Gelding, Mule, Ass, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, whereby the Payment of the said Toll or Duty shall be evaded; or if any Person or Persons shall take off, or cause to be taken off, any Horse, Mare, Gelding, Mule, Ass, or other Beast from any Chariot, Chaise, or Carriage travelling on the said Road, whereby the full Payment of any of the Tolls hereby imposed, or any Part thereof, shall be evaded or lessened; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Gates or Turnpikes without Payment thereof at such Gate or Gates, or if any Person or Persons shall give to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket of the Day, by this Act directed to be given by the Collector or Receiver of the said Tolls, whereby or by reason whereof the Payment of any or either of the said Tolls may be evaded or lessened; or shall forge, counterfeit, or alter any such Note or Ticket, or make use of any such forged, counterfeited, or altered Note or Ticket, knowing the same to have been forged, counterfeited, or altered, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every Person offending in any or either of the Cases aforesaid, shall, for every such Offence, forfeit and pay such Sum not exceeding Five Pounds, as the Justice or Justices, before whom the Information shall be laid, shall adjudge, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend, or be construed to extend, to subject to any Penalty any Person for passing through any such Tenements, Lands, or Premises of which he or she shall be the Owner or Occupier, notwithstanding the Tolls may be thereby evaded, nor any of his or her Family or Servants.

Toll Bar Keepers competent Witnesses.

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

Exemption from Tolls.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships in which any Part of the said Road lies; or with Seed for feeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses,

Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, employed in Huſbandry for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Plough or Harrow, or to or from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty; or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any ſick, wounded, or diſabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in carrying or conveying any Ordnance or Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the uſe of His Majeſty's Forces, or returning empty from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps, at the Time of claiming the Exemption; or for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes, or returning empty after having been only ſo employed; or for any Horſe or Horſes, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Nottingham*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor ſhall any Toll or Duty by this Act granted, be paid or demanded at any Turnpike or Gate on the ſaid Roads, for any Horſe, Cattle, or Carriage whatſoever, which ſhall not paſs more than One hundred Yards thereon; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every

such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; One Half whereof shall be paid to the Informer, and the other Half thereof shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XIX. 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, or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, 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 the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained, to the contrary notwithstanding.

Carts drawn by One Horse liable to be weighed.

XX. And whereas great Injury is done to the said Road from the heavy Loads carried by Carts or other Carriages drawn by One Horse, or Two Oxen, not being liable to be weighed; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order or cause any Cart or other Carriage, although the same shall be drawn only by One Horse or Two Oxen, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Road; and in case any such Cart or other Carriage, with the Lading thereof, shall exceed Thirty hundred Weight in Summer, or Twenty-seven hundred Weight in Winter, the same to be computed as in the General Turnpike Act of the Thirteenth Year of the Reign of His present Majesty is specified, to cause to be demanded and taken such Sum of Money for Overweight, as if any such Cart or Carriage had been drawn by Two Horses; and which Sum of Money shall be recovered in like Manner as by the said Act is directed, with respect to the Sums thereby made payable for Overweight of Lading.

Penalty on suffering Carriages liable to pass without being weighed.

XXI. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road, shall suffer or permit any Waggon, Cart, or Carriage, liable to be weighed at any such Machine or Machines, to pass through the Turnpike Gate or Gates erected or to be erected on the said Road without weighing the same, or shall suffer or permit any such Waggon, Cart or other Carriage, to proceed on the said Road without having first paid the Tolls payable for such Waggon, Cart, or other Carriage; and for all such Overweight or Overweights as such Waggon, Cart, or other Carriages respectively, shall or may happen to have therein or thereon, each and every such Person shall for every such Offence, forfeit

and

and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

For reducing the Tolls.

XXII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from Time to Time, aſſembled at a Meeting or Meetings to be held for that Purpoſe (with the Conſent of the Perſon or Perſons who ſhall then be entitled to Five-Sixths or more of the Money which ſhall have been advanced upon the Credit of the ſaid Tolls), to leſſen or reduce all or any, or any Part of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and afterwards, if there ſhall be Occaſion, to advance or raiſe the ſame again to any Sum, not exceeding the Amount of the Tolls by this Act granted; and ſuch Tolls ſo leſſened or reduced, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Twenty-one Days previous Notice at the leaſt be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which ſhall be then erected by virtue of this Act.

Power to borrow Money.

XXIII. 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 empowered at their Firſt or any ſubſequent Meeting, upon Fourteen Days previous Notice of ſuch ſubſequent Meeting, and of the Purpoſe thereof, being given upon all the Toll Gates or Turnpikes then ſtanding upon the ſaid Roads, or by Advertiſement as aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money as they ſhall from Time to Time think fit, upon the Credit of the reſpective Tolls, or reſpective Shares or Proportions of Tolls, ſeverally and diſtinctly, but not jointly, to be taken or paid, or payable at the ſeveral and reſpective Turnpikes or Toll Bars to be ſet up or continued by virtue of the ſaid recited Acts or this Act, in or acroſs the Road by this Act intended to be repaired, and in or acroſs the Roads, Lanes, or Highways leading into the ſaid Road, and by any Writing under their Hands and Seals, to aſſign over or mortgage the ſaid reſpective Tolls or Shares or Proportions of Tolls, or any Part or Parts thereof (the Charges of ſuch Aſſignments or Mortgages to be paid out of ſuch Tolls) to any Perſon or Perſons, for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the ſeveral Sums that ſhall be ſo borrowed, with the Intereſt thereof; which Aſſignments or Mortgages ſhall or may be in the Words or to the Effect following; (that is to ſay)

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*] We of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the Treaſurer or Treaſurers of the ſaid Roads in Hand paid by do hereby grant and aſſign unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Turnpikes and Toll Houſes for collecting the ſame upon the ſaid Road, as the ſaid Sum of doth or ſhall bear

'to the whole Sum now due, owing, or to be advanced on the Credit 'thereof; to be had and holden from the Day of 'in the Year of our Lord 'for and during the Continuance of the said Act, unless the said Sum 'of with Interest at the Rate of 'per Centum per Annum, shall be sooner repaid and satisfied. Witness 'our Hands and Seals the Day of in the Year of 'our Lord .'

Copies of Securities to be entered by the Clerk.

And Copies of all such Assignments or Mortgages as shall be granted by virtue of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, within Sixty Days after the Date thereof respectively, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy; and all Assignments and Mortgages which shall be made in the Manner aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes; and all and every Person and Persons, to whom any Assignments or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her, or their Hand and Seal or Hands and Seals, transfer his, her, or their Right, Title, or Interest, in and to the Principal and Interest thereby secured, to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; (that is to say)

Power for Mortgagees to transfer.

Form of Transfer.

'I being entitled to the Sum of 'secured to Executors, Administrators, and 'Assigns, by virtue of an Assignment or Mortgage, bearing Date the 'Day of under the Hands and 'Seals of of the Trustees acting in the Execution of 'a certain Act passed in the Fifty-third Year of the Reign of His Ma-'jesty King *George* the Third, intituled *An Act* [*here set forth the Title 'of this Act*] made of the Tolls arising upon the said Roads, do hereby 'transfer all my Right and Title in and to the said Sum of 'and all Interest now due for the same, unto Execu-'tors, Administrators, and Assigns. Dated the 'Day of .'

Transfer also to be entered by the Clerk.

Which said Transfer shall be produced and notified to the said Clerk or Clerks, within Sixty Days after the Date thereof, who shall cause a true Copy thereof to be entered in the said Book or Books to be kept for entering the said original Assignments and Mortgages, and attest the same, for which the said Clerk or Clerks shall be paid the Sum of Ten Shillings and Sixpence, and no more; which said Book and Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, every such Transfer shall entitle such Assignee, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon, and such Assignee may in like Manner assign or transfer again, and so *toties quoties*, and it shall not be in the Power of any Person making such Transfer, to make void, release, or discharge the same, or any Monies due thereon or any Part thereof; and all Persons to whom any such Assignments or Mortgages shall be made as aforesaid, and their respective Assigns or Representatives shall be, in Proportion to the Sums therein mentioned, respectively Creditors on

Clerk's Fee.

the ſaid Tolls in equal Degree one with another; and on Non-payment of their Principal Money lent, or the Intereſt thereof, at the Time ſtipulated for ſuch Purpoſe, ſhall or may enter and take Poſſeſſion of all and ſingular the ſaid mortgaged Premiſes, without any Preference in reſpect of the Priority of advancing ſuch Monies, or the Dates of ſuch Aſſignments; and all and every ſuch Copies of the original Aſſignments or Mortgages, and the Transfer ſo entered in the ſaid Book or Books, and atteſted by the ſaid Clerk or Clerks for the Time being, ſhall be deemed, conſidered, and taken as original Aſſignments or Mortgages and Transfers, and ſhall be received in all Courts of Law and Equity and elſewhere, as Evidence of ſuch original Aſſignments or Mortgages and Transfers in the ſame Manner, to all Intents and Purpoſes, as if ſuch original Aſſignments or Mortgages and Transfers were produced: Provided, that nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject the ſaid Truſtees, or Perſons appointed to receive the ſaid Money, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning or ſealing any ſuch Aſſignment or other Securities to be made in purſuance of this Act, or any or either of them; and all Monies ſo borrowed ſhall be veſted in the ſaid Truſtees for the Purpoſes of this and the ſaid recited Acts.

No Preference to be given to Mortgagees.

Truſtees not perſonally liable.

XXIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall or may, if thereunto required, receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities, made by virtue of the ſaid recited Acts or any or either of them, and ſhall or may give and execute a Mortgage or Mortgages in lieu thereof reſpectively, or for any Sum or Sums of Money heretofore advanced, borrowed, or taken up, for the Purpoſes of the ſaid recited Acts, and for which Securities may not have been regularly given or have been omitted to be given; and all ſuch Mortgages ſhall be in the Form hereinbefore directed, or as near thereto as the Caſe will admit of; the Perſon or Perſons requiring ſuch new Mortgage or Mortgages paying the Expence thereof.

Old Mortgages or other Securities to be cancelled if required, and new ones granted.

XXV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or any of them, to give, execute, or deliver to any Perſon or Perſons, any Mortgage under the Authority of this Act, for a greater Principal Sum than One hundred Pounds, notwithſtanding the ſaid Truſtees ſhall borrow and take up at Intereſt of the ſame Perſon or Perſons at One and the ſame Time, a greater Sum of Money than One hundred Pounds, and notwithſtanding they ſhall be required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now ſtanding out, and remaining unſatisfied, which were granted by virtue of the ſaid recited Acts, or any or either of them; but that the Monies to be advanced or ſecured as aforeſaid, ſhall be ſecured by ſeparate Mortgages for One hundred Pounds each, or for any leſs Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, and the Perſon or Perſons to receive ſuch Security or Securities ſhall agree upon.

No Mortgage to be for more than 100l.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, and at any Time or Times during the Continuance of this Act, to make, repair, widen, divert, alter or turn the Courſe

Truſtees may widen, turn, or alter the Road.

Courſe or Path of any Part or Parts of the ſaid Road, upon or over any Commons or Waſte Lands, without making any Satisfaction for the ſame; and alſo upon, over or through any other Lands or Hereditaments, which they the ſaid Truſtees ſhall previouſly purchaſe for that Purpoſe, or having the Conſent in Writing of the Owners of and other Perſons intereſted in ſuch Lands and Hereditaments; and it ſhall alſo be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premiſes through which or whereupon ſuch Alterations is or are intended to be made or paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out ſuch Alterations, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty or Puniſhment, for entering or continuing upon ſuch Lands or Premiſes reſpectively, for any of the Purpoſes of this Act; and if any Perſon ſhall pull up, remove or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Roads or Alterations, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall empower the ſaid Truſtees, their Surveyors or Surveyor or Workmen, to enter upon any Lands or Premiſes, being a Garden, Orchard, incloſed Pleaſure Ground, or Court Yard to any Dwelling Houſe, or a Nurſery for Trees, planted Walk or Avenue to a Houſe, for the Purpoſe of ſtaking out ſuch Alterations, without the Conſent in Writing of the Owners and Occupiers thereof, nor to enter upon any Lands or Grounds whatever, ſo as to occaſion or cauſe any Injury or Damage to any Crops or Plantations thereon.

The Purchaſe of Lands.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to treat, contract and agree with the Owners of and Perſons intereſted in any ſuch private Lands or Grounds or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning or altering any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations aggregate or ſole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians or other Truſtees whatſoever, for or on Behalf of any Infant, Feme Covert, *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or Grounds or Hereditaments, either for their own Uſe or Benefit, or for the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to the ſaid Truſtees all or any of ſuch Lands and Grounds and Hereditaments, as occaſion ſhall be and require; and all Contracts, Sales and Conveyances, which ſhall be ſo made, ſhall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law, to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Corporations and incapacitated Perſons empowered to ſell, etc.

XXVIII. And

XXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed to be paid for any Lands or Hereditaments to be purchaſed for the Purpoſes of this Act, or made for any Loſs or Damages as aforeſaid, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or other Money ariſing by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her or their Agent or Agents, and upon Payment thereof, or in caſe of incapacitated Perſons, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Thirty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes, become and be deemed a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by the ſaid recited Acts or this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be formed and completed, then the Land compriſed in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired (unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead) or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands to be uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the County of *Nottingham*, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted from the old Line of Road, or a new Road ſhall be made (except over and through any Common Field Land, or Common or Waſte Ground) or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails and Fences, to be made and provided, and Quickſets to be planted in an Huſband-like Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road, where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails and Fences, for and during the Term of Seven Years from the firſt making thereof.

Upon Payment of the Purchaſe Money, the Lands to be laid into the Road, and former Roads may be ſold or ſtopped up.

Truſtees to fence off the new Road.

XXIX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on Account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the

First Offer to whom to be made.

Peace for the ſaid County (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made, (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe, and on Fourteen Days clear Notice thereof to be given by the ſaid Truſtees, to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgement and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Juſtices may determine Differences.

XXX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken or uſed by virtue of this or the ſaid recited Acts for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons, under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the ſaid Truſtees, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance 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 and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements and 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.

Application of Money awarded above 200l.

determined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so to be purchased under the Authority of this or the said recited Acts, in case such Purchase or Settlement was made.

Where less than 200l. and above 20l.

XXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this and the said recited Acts (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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

XXXII. 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 or the said recited Acts, in such Manner as the said Trustees or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXXIII. 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

of any Lands, Tenements or Hereditaments, to be purchaſed by virtue of this or the ſaid recited Acts, 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 ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found; or if the Perſon or Perſons entitled to 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 Privity of the Accountant General, of the High 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 High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds; and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying 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.

In caſe of diſputed Titles.

XXXIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, Title or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this or the ſaid recited Acts, 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 High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

XXXV. Provided

Court may order reasonable Expences to be paid by the Trustees.

XXXV. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this or the said recited Acts, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said recited Acts, or so much of such 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 this or the said recited Acts, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Surveyors may dig Gravel, &c. in Waste Grounds, making Satisfaction for the Damage.

XXXVI. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors appointed by virtue of the said recited Acts or this Act, or any other Person or Persons who shall by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors be employed for that Purpose, from Time to Time to cut, dig, gather, take, lead, and carry away any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials proper for repairing the said Highway or Road in, upon, or out of or from any Waste or Common Grounds, River or Brook, in any Town, Parish, Hamlet or Place, through which the said Road doth lead, or in, or upon, or out of, or from the Waste Grounds or Commons, or Common River or Brook of any other Town, Hamlet, Parish, or Place adjoining to the said Road, to be used and applied in repairing and widening the said Road, without paying any Thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done, or otherwise sufficiently fenced in and secured, and making Satisfaction for all Damages occasioned thereby; and where there is not sufficient Materials to be had or found in or upon any such Waste or Common Grounds, Common Rivers or Brooks, then and in such Case to cut, dig, gather, take, lead and carry away any Quantity or Quantities of Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, or from the Lands or Grounds of any Person or Persons where the same may be had or found, in any Township, Parish or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Township, Parish or Place, such Lands or Grounds not being a Yard, Garden, Orchard, Park, planted Walk or Walks of Trees or Avenue to a House; they the said Surveyors or other Person or Persons by them employed as aforesaid, or some or one of them, having an Order from the said Trustees, or any Five or more of them, for so doing; and paying or offering to pay to the respective Owner or Owners, Occupier or Occcupiers of such Lands or Grounds, such Damages for the Materials, and for carrying the same over his, her, or their respective Lands or Grounds, as the said Trustees, or any Five or more of them, shall adjudge and think reasonable; and in case of any Differences between the said Trustees, Surveyors, or other Persons by them employed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace to be holden for the

County, Diviſion, or Place, where any of the ſaid Materials ſhall be cut, dug, gathered, taken or carried away, ſhall and may and they are hereby empowered and required (on Fourteen Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, or by them the ſaid Owner or Owners, Occupier or Occupiers to the ſaid Surveyor or Surveyors, or to be left at their reſpective Place or Places of Abode with ſome or one of their reſpective Families) to hear, ſettle, and determine the Matter of the ſaid Damages, whoſe Judgment or Order therein ſhall be final and concluſive to all Parties.

Notice to be given to Occupiers of Lands, before Materials are taken for repairing Roads.

XXXVII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take and carry away Materials for making or repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his or her uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace acting for the ſaid County of *Nottingham*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, the ſaid Truſtees, or ſuch Juſtices ſhall (if they think proper) authorize ſuch Surveyor, or other Perſon or Perſons, to dig, gather, take and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may (upon Proof on Oath of the Service of ſuch Notice, and which Oath they are hereby empowered to adminiſter) make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier, or his or her Agent, had attended.

Surveyors may remove Annoyances.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Dirt, Filth, Manure, Stone, Timber and Annoyances from the ſaid Road, to the Diſtance of Thirty Feet from the Centre thereof, and to remove any Gate or Gates erected acroſs the ſaid Road, and at proper Seaſons of the Year to cut down, lop, top, or ſhroud any Trees or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjoining thereto, or ſo near the ſame as to be prejudicial to the ſaid Road, the Owners or Occupiers neglecting to cut down, lop, top, or ſhroud ſuch Trees or Buſhes, or to remove ſuch Dirt, Filth, Manure, Stone, Timber, Annoyances, and Gates, for the Space of Ten Days after Notice in Writing given for that Purpoſe to ſuch Owners or Occupiers, or left at their laſt or uſual Place of Reſidence, under the Hand or Hands of the ſaid Surveyor or Surveyors; and the Charges of ſuch Removal, lopping or topping, ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down, lop, top, or ſhroud any ſuch Trees or Buſhes, or to remove any ſuch Annoyances as aforeſaid; and in caſe any ſuch Owners or Occupiers ſhall not, on Demand made by ſuch Surveyor or Surveyors, pay and reimburſe to the Surveyor or Surveyors, ſuch Charges as aforeſaid, it ſhall be lawful for ſuch Surveyor or

Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any Juſtice or Juſtices of the Peace for the County in which the Offence ſhall be committed, and which Warrant or Warrants the ſaid Juſtices is and are hereby authorized and directed to grant, to levy the Charges thereof on ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattels, rendering the Overplus (if any) to ſuch Owners or Occupiers on Demand after all Charges paid; and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds as the Juſtice or Juſtices before whom any Information ſhall be laid ſhall adjudge to be paid, to be levied in Manner aforeſaid.

Power to Surveyors to cut and ſhear Hedges, and ſhroud Trees.

XXXIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) at proper Seaſons of the Year, to cut and ſhear once at leaſt in every Year, the Tops and Sides of all or any Part of the Hedges, and to lop or ſhroud any Tree or Trees ſtanding or growing by or near the Side or Sides of the ſaid Roads, or any of them, in ſuch Manner as the Surveyor or Surveyors ſhall think proper; and in ſuch Caſes, all Charges and Expences attending the ſame, ſhall from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Power to take down and remove Obſtructions.

XL. 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 cauſe to be taken down and removed, any Penthouſe, Porch, Bulk, or other Projection obſtructing the ſaid Road, Pavement, or Wall erected, built, or being within Fifteen Feet of the Center of any Part of the ſaid Road, and any Penthouſe, Porch, Bulk, Wall, Projection, Pavement, or other Building, which may hereafter be erected or built within Thirty Feet of the Centre thereof, and alſo to cauſe all ſuch Poſts on the ſaid Road as they ſhall think uſeleſs and inconvenient, and all pitching Pavements, Steps, Signs, Sign Poſts, Rails, Fences, and Water Spouts or Shoots, incroaching upon and projecting into and over the ſaid Road, or within Twenty Feet of the Centre thereof, to be taken down and removed; and the Charges attending the taking down and removing the ſame ſhall be paid and defrayed out of the Monies which ſhall ariſe by virtue of this Act.

No Building to be erected nearer than Thirty Feet from the Centre of the Road, &c. without Conſent.

XLI. Provided always, and be it further enacted, That from and after the paſſing of this Act no Building ſhall be erected nearer than Thirty Feet from the Centre of the ſaid Road, nor ſhall any Gate hereafter to be erected againſt the ſaid Road be made to open or ſwing into the ſaid Road, nor ſhall any young Tree or Trees hereafter be planted or permitted to grow up within Thirty Feet of the Centre of the ſame Road; and if any Building or Buildings ſhall be erected nearer than Thirty Feet from the Centre of the ſaid Road, or any Gate or Gates ſhall hereafter be made to open or ſwing into the ſaid Road, or any young Tree or Trees ſhall be planted or grow up within Thirty Feet of the Centre of the ſaid Road, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or for any Perſon or Perſons authorized by the ſaid Truſtees, or any Five or more of them, to take down or cauſe to be taken down any ſuch Building or Buildings,

Buildings, Gate or Gates, Tree or Trees, as a public Nuiſance, and to remove the ſame, and the Materials thereof, without making any Compenſation for Damages, Treſpaſſes, or otherwiſe.

Surveyors may make Cauſeways, &c.

XLII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, or any Perſon or Perſons by them, or either of them, appointed or employed, may and they are hereby authorized and empowered to make, or cauſe to be made, Cauſeways, Paths, or Footways in or along the Sides of any Part or Parts of the ſaid Road, and to build or cauſe to be built any Bridge or Bridges upon, in, or acroſs the ſaid Road or any Part thereof, and to cut or cauſe to be cut any Watercourſes in, through, or acroſs any Lands or Grounds, to prevent the ſaid Road or any Part thereof from being overflowed, and to erect Bridges or Arches over ſuch Drains or Watercourſes if neceſſary; and alſo to make, or cauſe to be made, a Road or Way through or over the Grounds adjoining to any narrow or ruinous Part of the ſaid Road (not being a Yard, Garden, Orchard, Park, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Plantation or Nurſery for Trees) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe as a public Highway, while the narrow and ruinous Part of the ſaid Road is repairing or widening, and until the ſame ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands or Grounds for the Damage they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and in caſe of any Difference concerning the Amount or Value of ſuch Damages, the ſame ſhall be ſettled and finally determined in like Manner as by this Act directed, with reſpect to the Damages to be occaſioned in getting Materials for repairing the ſaid Road.

Owners or Occupiers of Land neglecting to ſcour Watercourſes.

XLIII. And be it further enacted, That if any Perſon or Perſons being Owner or Owners, or Occupier or Occupiers of any Lands, Tenements, or other Premiſes near the ſaid Road, and who of right ought to cleanſe or ſcour any Ditch, Drain, or Watercourſe, which ſhall lead into, or out of or upon the Sides of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Fourteen Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, under the Hand of the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing thereof; and if the ſaid Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors on Demand made thereof on him, her or them reſpectively, either in Perſon or by Writing to be left at his, her, or their reſpective Place or Places of Abode, then the ſaid Money and every Part thereof, on Proof of the cleanſing and ſcouring of the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of any credible Witneſs or Witneſſes before any Juſtice of the Peace for the County, Liberty, or Place, where ſuch Perſon or Perſons reſpectively ſhall reſide, ſhall and may, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the

the Overplus (if any) on Demand to the Owner or Owners thereof, after all Charges paid.

Statute Labour.

Justices to determine Differences touching Statute Work.

XLIV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, 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 said County of *Nottingham*, and they are hereby empowered and required, (upon Application made to them for that Purpose 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 lies, 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, shall be by him or them paid to the said Trustees or to their Treasurer; 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 or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall or 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 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 may also order and direct the Persons who by such Lists shall appear to be subject or 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 or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Per-

ſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute Work may be compounded for.

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

Penalty for damaging Mile Stones, &c.

XLVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe Direction Poſts and Boards to be erected on the principal Side Openings of the ſaid Road, with proper Inſcriptions thereon, denoting to what Place or Places ſuch Side Roads reſpectively lead, and the Diſtance to ſuch Places reſpectively; and alſo ſhall order and direct other Poſts and Boards, with ſuitable Inſcriptions thereon, to be erected by the Side or Sides of the ſaid Roads, in order to promote the Detection and Apprehenſion of any Perſon or Perſons who ſhall be guilty of any Offence or Offences againſt this Act; and the ſaid Truſtees, or any Five or more of them, are hereby required to cauſe Stones or Boards, with proper Inſcriptions thereon, to be erected and maintained on the ſaid Road, at the Diſtance of One Mile from each other, and from Time to Time to cauſe the ſame to be cleanſed and kept legible; and alſo to cauſe proper Tables of the Tolls by this Act granted and made payable to be affixed and put up at the ſeveral Toll Houſes continued, or to be erected by virtue of this Act; and if any Perſon or Perſons whomſoever ſhall wilfully pull up, injure, or damage any of the ſaid Poſts, Boards, Mile Stones, or Tables of Tolls, or wilfully or deſignedly deface or obliterate any of the Inſcriptions thereon, or ſhall wilfully break, throw down, or otherwiſe damage any Lamp, Lamp Poſt, or Lamp Iron ſet up or affixed by order of the ſaid Truſtees at or near to any of the ſaid Turnpike

Gates; or on any other Part of the ſaid Road, or if any Perſon or Perſons ſhall wilfully pull up, injure, or damage any of the Poſts, Rails, or Fences, now placed or put up, or at any Time hereafter to be placed or put up by Order of the ſaid Truſtees, or their Surveyor or Surveyors, either by the Side or Sides of the ſaid Road, or at or near to any Pit or Quarry which ſhall be uſed, opened, or made for the getting of Stones, Gravel, or other Materials for the Purpoſe of this Act, in order to prevent Accidents, or to protect and preſerve any Hedge or Quickſet which the ſaid Truſtees, by virtue of this Act, are authorized to plant and keep in good Order; or if any Perſon or Perſons ſhall wilfully root up, cut, deſtroy, or damage any ſuch Hedge or Quickſet, or any Part or Parts thereof, whilſt the ſame ſhall be under the Care of the ſaid Truſtees, or their Surveyor or Surveyors, or ſhall wilfully damage or injure any of the Bridges or Arches now erected or hereafter to be erected acroſs the ſaid Road, or ſhall take or carry away any of the Materials, Dirt, Mire, Drift or Sand, lying or collected by or on the Side or Sides of the ſaid Road, or on the Surface thereof, without the Permiſſion of the ſaid Truſtees, or any Five or more of them, or of the ſaid Surveyor or Surveyors, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, One Moiety whereof ſhall go and be paid to the Informer, and the other Moiety thereof ſhall be applied for the Purpoſes of this Act; and ſuch Offender ſhall alſo pay to the ſaid Truſtees, or their Treaſurer or Treaſurers, or one of them, ſuch Sum of Money as ſhall be a full Satisfaction for the Damage ſo done; which Damage ſhall be ſettled and aſcertained by the Juſtice or Juſtices of the Peace, by or before whom ſuch Offender ſhall be convicted of any of the Offences aforeſaid, and ſhall and may be levied and recovered in like Manner as any Penalty or Penalties is or are herein-after directed to be levied and recovered, and ſhall be applied for the Purpoſes of this Act.

Riding on Footpaths, &c.

XLVII. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining to the ſaid Road, or ſhall drive any Horſe or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Footway; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up and damage the ſame, or any Part thereof, or the Fences, Hedges, Backings or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the Left or near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent or Fire-work whatſoever, on any Part or Parts of the ſaid Road, or within Forty Yards of the ſame; or if any Perſon ſhall leave any Waggon, Wain, Cart or other ſuch Carriage longer than may be neceſſary for loading or unloading the ſame, in, upon, or on the Side of any Part of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; every Perſon ſo offending ſhall, upon Conviction before any Juſtice of the Peace for the County, either upon View, Confeſſion, or Proof,

Proof, on Oath of One Witneſs, 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 for the Purpoſes of this Act.

Penalties and Forfeitures, how recovered and applied.

XLVIII. And be it further enacted, That all Penalties and Forfeitures by this Act, or in and by the ſaid recited Acts, or either of them impoſed (the Manner of levying and recovering whereof is not herein-before or therein otherwiſe directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of one or more Juſtice or Juſtices of the Peace for the County, Liberty, or Place wherein the Offence ſhall be committed, which Warrant the ſaid Juſtice or Juſtices is and are hereby empowered and required to grant upon the Information of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending of the ſaid Road, and other the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol of ſuch County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

For Detection of Offenders.

XLIX. And, for the more eaſy Detection of Offenders againſt this Act, be it further enacted, That it ſhall be lawful for any Surveyor or Surveyors of the ſaid Road, or any Collector or Collectors of the Tolls, or other Perſons engaged in the Execution of this Act, and for any other Perſon or Perſons, in aid of ſuch Surveyor or other Perſon, to apprehend any Perſon or Perſons who ſhall be ſeen by the ſaid Surveyors or others reſpectively, committing any Offence againſt this Act, and without any Warrant for that Purpoſe, to cauſe him, her, or them to be taken before ſome Juſtice of the Peace for the County, Liberty or Place, wherein ſuch Offence ſhall be committed, for the Purpoſe of Conviction and Puniſhment according to Law.

Form of Conviction.

L. And be it further enacted, That all and every Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form, or to the like Effect; (that is to ſay)

‘ BE it remembered, That on the
to wit. ‘ Day of in the Year of our Lord
‘ *A. B.* is convicted before me [*or*, us]
‘ of His Majeſty's Juſtices of the Peace for the

' by virtue of an Act paſſed in the Fifty-third Year ' of the Reign of His Majeſty King *George* the Third, intituled [*here ſet ' forth the Title of this Act, and ſpecify the Offence, and Time and Place when ' and where the ſame was committed, as the Caſe may be*], and I the ſaid ' Juſtice [*or*, We the ſaid Juſtices] do adjudge him [her, *or*, them] to ' forfeit and pay for the ſame the Sum of ' Given under my Hand and Seal [*or*, our Hands and Seals] the Day and ' Year firſt above mentioned.'

Proceedings not to be quaſhed for Want of Form.

LI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall or may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in an Action for ſuch Irregularity as aforeſaid, if tender of ſufficient Amends ſhall have been made by or on the Behalf of the Party diſtraining, before ſuch Action brought.

Perſons aggrieved may appeal to the Quarter Seſſions.

LII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief is hereinbefore provided (except in ſuch Caſes where any Judgment, Order, or Determination is hereby mentioned or declared to be final, binding or concluſive) ſuch Perſon may, within the Space of Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County, Liberty, or Place wherein the Cauſe of Appeal ſhall ariſe, every ſuch Appellant firſt giving or cauſing to be given Ten Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Three Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, Liberty or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide by the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing, or appealed againſt, as the ſaid Juſtices ſhall think proper, and the Determination of ſuch Seſſion ſhall be binding and concluſive to all Intents and Purpoſes.

Limitation of Actions.

LIII. And be it further enacted, That if any Action or Actions, Suit or Suits ſhall be brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in relation to the Matters herein contained, ſuch Actions and Suits, and every of them, ſhall be commenced within Six Months next after the doing of the Matter or Thing for which ſuch Action or Actions, Suit or Suits ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried in the County or Place where ſuch Matters or Things ſhall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in ſuch Actions or Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall ſo be brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgment ſhall be given for the Defendant or Defendants therein, then and in any of the Caſes aforeſaid ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Coſts, in any other Caſes by Law.

For paying the Expences of this Act.

LIV. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and defrayed out of the Monies already received or to ariſe by virtue of the ſaid recited Acts or this Act, or within or upon Account of the ſaid Road, prior and in Preference to any other Payments or Diſburſements whatſoever.

Public Act.

LV. 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.

Commencement and Continuance of this Act.

LVI. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, upon the paſſing of this Act, ceaſe and determine; and that the ſaid Acts (ſubject to the Alterations, Additions, and Amendments in this Act contained) and this Act, ſhall from thenceforth commence and 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.

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