ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 59.

An Act for making and keeping in Repair, a Carriage Road from the Turnpike Road leading from *Rotherham* in the County of *York*, to *Mansfield* in the County of *Nottingham*, at or near *Clown* in the County of *Derby*, to the Turnpike Road leading from *Worksop* to *Kelham*, at or near *Budby* in the County of *Nottingham*. [18th *April* 1810.]

WHEREAS the making and keeping in repair a Carriage Road from the Turnpike Road leading from *Rotherham* in the County of *York*, to *Mansfield* in the County of *Nottingham*, at or near *Clown* in the County of *Derby*, to the Turnpike Road leading from *Worksop* to *Kelham*, at or near *Budby* in the County of *Nottingham*, would be of great Advantage to the Owners and Occupiers of Estates, and Inhabitants in that Part of the Country, and would be of public Utility; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord *Apsley*, *Thomas Athorpe*, *Joseph Parlebien Autt*, *John Atkin*, *Thomas Appleby*, *George Ancotes*, *William Alderson* Clerk, *William Boothby*, *Jonas Bettison*, *George Bosley* Clerk, *William Bagshaw* Clerk, *Joseph Butler*, *Joseph Butler* junior, *James Broomhead*, *Joseph Bromehead* Clerk, *John Beeley*, *Henry Bowdon*, *George Bowdon*, *John Bowdon*, Trustees Names.

Bowdon, Thomas Burrows, John Barlow, John Beeley, Robert Brightmore, William Butcher, John Cleaver Clerk, *James Cook, Peter Cadman* junior, *James Dowland, John Davy* the elder, *Samuel Deakin, John Dixon, Thomas Donnithorne* Clerk, *Vincent Eyre, Thomas Eyre, John Eyre, Jonathan Dewis, John Frith, John Green, John Gillatt, George Bustard Greaves, Joshua Gregory, William Godly, Ralph Hodgkinson, Ralph Hodgkinson* junior, *Joseph Hutton, Thomas Holy, Daniel Holy, George Holy, Rowland Hodgson, John Hounsfield, William Hirst, Samuel Jackson, John Jeeves, Cæsar Jones, Nicholas Jackson, Samuel Jackson, Samuel Kirkby, James Kirkby, John Savile Lumley, Thomas Leader,* Sir *Robert Shore Milnes* Baronet, the Honourable *Monckton, Gamaliel Milner, Jonathan Marshall, John Milner, George Milner, Alexander Mackenzie* Clerk, *Anthony Lax Maynard, Robert Malkin, Henry Malkin,* Lord Viscount *Newark, John Newton, George Newton, John Nuttall, Samuel Newbould, John Newbould, John Norburn, Oakes* M. D. *Thomas Oldham,* the Honourable *Henry Manvers Pierrepont,* the Honourable *Philip Sidney Pierrepont, Hugh Parker, George Parker, Thomas Pierson, Thomas Pearson, William John Pickin, Samuel Pigott, James Pearce, William Presley, Matthew Preston* Clerk, *Luke Palfreyman, Cornelius Heathcote Rodes, John Read, John Rimington, James Rimington. Henry Rimington, William Radley, Reeston* Clerk, *Edward Revill, Samuel Revill,* Sir *Sitweil Sitwell* Baronet, the Honourable and Reverend *John Lumley Savile, George Sitwell, Jonathan Stokes* Doctor of Physic, *William Skinner, John Swann, Samuel Staniford, Thomas Slagg, Edward Schofield, Charles Stevenson, Dennis Sykes, Robert Skinner, Mark Skelton* junior, *Ebenezer Smith, William Stacey, John Turner, Henry Tudor, Thomas Taylor, Harry Bache Thornhill, Robert Turner, John Twigg, Henry Vessey, Isaac Wilkinson, John Wilkinson, Isaac Wilson, William Wright, John Walker, John Wright, Thomas West, Robert West, William Wilson, Bernard John Wake, William Waller, John Wood* Clerk, and *William Wray,* shall be and they are hereby appointed Trustees for making and keeping in repair such intended Turnpike Road from the said Road leading from *Rotherham* to *Mansfield,* at or near *Clown,* to the said Turnpike Road, leading from *Worksop* to *Kelham,* and passing through the several Parishes, Townships, Liberties, or Hamlets of *Clown, Elmton, Whaley, Bolsover* and *Whitwell,* in the said County of *Derby,* and *Holbeck, Woodhouse, Norton Cuckney, Norton Welbeck, Warsop, Budby* and *Edwinstowe,* in the said County of *Nottingham.*

Plan and Book of Reference.

II. And whereas Maps or Plans, describing the Line of the said new Road, and the Lands through which the same is to be carried, together with Books of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands have been deposited at the respective Offices of the Clerks of the Peace for the Counties of *Derby* and *Nottingham*; be it therefore enacted, That the said Maps or Plans and Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said respective Counties, to the End that all Persons may at any seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said new Road shall not deviate

deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Roads through Lands, though Owners Names not in Book of Reference.

III. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Branch of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands are situate, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Power to appoint new Trustees.

IV. And be it further enacted, That as often as any of the Trustees hereby appointed, and to be elected and appointed as herein-after mentioned, shall die or refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees from Time to Time at any Meeting to be holden in pursuance of this Act, by any Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the Room of every Trustee so dying or refusing to act, Ten Days previous Notice in Writing of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer of the said Road for the Time being, by affixing such Notice upon all the Turnpikes then erected across the said Road; and every Person who shall be elected and appointed a Trustee in Manner aforesaid shall and may act with the surviving and continuing Trustees in the Execution of this Act in the same Manner as if he had been originally appointed a Trustee in and by this Act.

All Acts may be done by Five Trustees, unless otherwise directed.

V. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in the Cases herein-after mentioned, as requiring a greater or less Number of them.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee of this Act during the Time he shall hold any Place of Profit under the same, nor unless he shall be seised of or entitled to some Estate for Life, or to an Estate of Inheritance in Possession of or to Messuages, Lands, Tenements, Tythes or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir apparent to some Person or Persons who shall be seised or entitled to some Estate of Inheritance, in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds over and above what will be sufficient to pay all his just Debts; and if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every Person so offending shall forfeit and

pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, 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, upon Proof given of his having acted as a Truſtee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Perſon as a Truſtee in the Execution of this Act, previouſly to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act: Provided alſo, that every Truſtee, before he ſhall act as ſuch (except in adminiſtering the following Oath) ſhall take an Oath before One or more of the ſaid Truſtees, (who is and are hereby empowered to adminiſter the ſame), in the Form following; that is to ſay,

Acts of unqualified Truſtees previous to Conviction, declared valid.

Truſtees to be ſworn.

Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide* ſeiſed of or entitled to ſome Eſtate of Inheritance, in Poſſeſſion of or to Meſſuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of Pounds above Reprizes [*and in the Caſe of an Heir apparent*], I, *A. B.* do ſwear, that I am Heir apparent to *C. D.* who to the beſt of my Knowledge, Information, and Belief, is truly and *bona fide* ſeiſed of or entitled to ſome Eſtate of Inheritance in Poſſeſſion, of or to Meſſuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of Pounds above Reprizes, [*and in the Caſe of Perſonal Eſtate alone, or of Real and Perſonal Eſtate together*], I *A. B.* do ſwear, that I am truly and *bona fide* poſſeſſed of a Perſonal Eſtate, [*or*, of Real and Perſonal Eſtate together], of the Amount or Value of Pounds above what will be ſufficient to pay all my juſt Debts], and that I will faithfully and impartially, according to the beſt of my Judgement, act in the Execution and Performance of the ſeveral Truſts, Powers, and Authorities repoſed in me as a Truſtee by virtue of an Act paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act.*] So help me GOD.'

Victuallers not to act as Truſtees or Officers.

VII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Profit or Truſt under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep any Victualling Houſe, Ale Houſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Meeting of Truſtees;

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *Job Allen*, in *Eckington*, in the ſaid County of *Derby*, or at ſome other convenient Houſe in the ſame Town, on the Third *Monday* after the Commencement of this Act, or as ſoon after as conveniently may be, and

and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards meet at the same House, or at such other House in the same Town, or at such other Place within the Distance of Seven Miles from some Part of the said Road, and at such Times as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Six Calendar Months; and if at any Meeting appointed to be holden by virtue of this Act, there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Meeting assembled shall not adjourn themselves, then and in every such Case every such Meeting or intended Meeting shall be and is hereby adjourned to the Twenty-eighth Day next after the Day on which such Meeting was held, or such Meeting was appointed to be held, and at the same Place, and so from Twenty-eight Days to Twenty-eight Days, until a sufficient Number of Trustees do or shall meet and adjourn; and public Notice of every such Adjournment shall be affixed upon all the Turnpikes then erected across the said Road Ten Days at least before the Day of Meeting. and how to be adjourned.

IX. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees, made either by themselves, or by virtue of this Act, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or by virtue of this Act, in that Case the Clerk or Treasurer of the said Road, upon an Order in Writing signed by Five or more of the said Trustees (mentioning the Time, Place, and Purpose of such Meeting), shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (the Time of Meeting not being within Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and the said Trustees shall at all their Meetings defray their own Expences. Meetings on Emergencies.

X. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all Contracts, Agreements, Orders, Directions, Appointments, and Determinations in the Execution of this Act, all which shall be signed by the Trustees making the same; and no such Contract, Agreement, Order, Direction, Appointment or Determination shall be valid unless so made and signed at such Meeting, and the Number of Trustees by this Act authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Contract, Agreement, Order, Direction, Appointment, or Determination so signed shall be revoked or altered at any subsequent Meeting, unless Twelve or more Trustees shall be present, and Eight of them at least shall concur therein. How Orders of the Trustees are to be made and revoked.

XI. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may erect or otherwise provide such and so many Toll Gates, or Turnpikes in, upon, or across such Parts and in such Places of the said Road by this Act authorized to be made or repaired, and also such and so many Toll Gates or Turnpikes on the Sides of the same Road, and in, upon, or across any Lane or Bye Way that doth or shall lead into or out of the same, as the said Trustees Power to erect Toll-Gates.

ſhall think proper (ſubject nevertheleſs to the Reſtrictions and Directions herein-after mentioned concerning the ſame), and alſo ſhall and may erect or otherwiſe provide a Toll Houſe to every or any of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road convenient Gardens for the ſame.

Tolls to be taken.

XII. And be it further enacted, That there ſhall and may be demanded, taken, collected, and received at the ſeveral and reſpective Toll Gates or Turnpikes which ſhall be erected upon, acroſs, or on the Side of the ſaid Road, the following Tolls and Duties; (that is to ſay),

For every Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calaſh, Hearſe, Chaiſe, Phæton, Whiſkey, Gig, Chair, or Taxed Cart, and every other Carriage on Springs, drawn by Six Horſes or other Beaſts, the Sum of Two Shillings and Sixpence; and drawn by Four or Five Horſes, or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Two or Three Horſes, or other Beaſts, the Sum of Nine-pence; and for every Chaiſe or Chair drawn by One Horſe or other Beaſt, the Sum of Four-pence Halfpenny:

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, drawn by Six or more Horſes, or other Beaſts, the Sum of Two Shillings and Sixpence; but if the Wheels ſhall run in a Track, the Breadth of which ſhall be either on the Outſide under Four Feet Five Inches or on the Inſide above Five Feet Eight Inches, then the Sum of Two Shillings; but if the Axletree Buſhes and Wheels of ſuch Carriages are made perfectly cylindrical, then the Sum of One Shilling and Three-pence:

For every ſuch Waggon, Wain, Cart, or Carriage as aforeſaid, drawn by Five Horſes, the Sum of Two Shillings; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of One Shilling and Sixpence; and if the Axletree Buſhes and Wheels are made in Manner aforeſaid, then the Sum of One Shilling:

For every ſuch Waggon, Wain, Cart, or Carriage as aforeſaid, drawn by Four Horſes, the Sum of One Shilling and Sixpence; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of One Shilling; and if the Axletree Buſhes and Wheels are made in Manner aforeſaid, then the Sum of Eight-pence:

For every ſuch Waggon, Wain, Cart, or Carriage as aforeſaid, drawn by Three Horſes, the Sum of One Shilling; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Eight-pence; and if the Axletree Buſhes and Wheels are made in Manner aforeſaid, then the Sum of Sixpence:

For every ſuch Waggon, Wain, Cart, or Carriage as aforeſaid, drawn by Two Horſes, the Sum of Eight-pence; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Sixpence; and if the Axletree Buſhes and Wheels are made in Manner aforeſaid, then the Sum of Four pence:

For every ſuch Waggon, Wain, Cart, or Carriage as aforeſaid, drawn by One Horſe, the Sum of Four-pence; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Three-pence; and if the Axletre Buſhes and Wheels are made in Manner aforeſaid, then the Sum of Two-pence:

For every Waggon, Wain, Cart, or Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth than Six Inches, drawn by Four Horſes or other Beaſts, the Sum of Two Shillings and Six-pence; and if drawn by Three Horſes, or other Beaſts, the Sum of One Shilling and Nine-pence:

For every ſuch Waggon, Wain, Cart, or Carriage as laſt mentioned, drawn by Two Horſes or other Beaſts, the Sum of One Shilling; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Sixpence; and for every ſuch Waggon, Wain, Cart, or Carriage as laſt mentioned, drawn by One Horſe or other Beaſt, the Sum of Sixpence; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Three-pence; and if the Axletree Buſhes, and Wheels are made in Manner aforeſaid, then the Sum of Two-pence:

For every Waggon, Wain, Cart, or Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, drawn by Six or more Horſes, or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Four or Five Horſes, or other Beaſts, the Sum of One Shilling; and drawn by Two or Three Horſes, or other Beaſts, the Sum of Nine-pence; and drawn by One Horſe or other Beaſt, the Sum of Sixpence:

For every Waggon, Wain, Cart, or Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Twelve Inches, drawn by Six or more Horſes, or other Beaſts, the Sum of One Shilling; and drawn by Four or Five Horſes, or other Beaſts, the Sum of Nine-pence; and drawn by Two or Three Horſes, or other Beaſts, the Sum of Sixpence; and drawn by One Horſe, or other Beaſt, the Sum of Three-pence:

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

For every Pair of Mill Stones, or Block or Blocks of Stone, or Timber, drawn by Four or more Horſes, or other Beaſts, the Sum of Three Shillings and Sixpence:

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence *per* Score, and ſo in Proportion for any greater or leſs Number.

Power to recover the Tolls.

Which ſaid reſpective Sums ſhall be demanded and taken in the Name of and as a Toll, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall after Demand thereof made by any Perſon or Perſons authorized to receive the ſame, neglect or refuſe to make Payment thereof, or of any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe, Cattle, or Beaſt upon which any Toll is by this Act impoſed, or any Carriage in which the ſame ſhall be drawing, or the Loading, Harneſs, or Accoutrements of any ſuch Horſe, Cattle, or Beaſt, or any of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Four Days next after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods

Goods and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale pay or retain ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls.

XIII. And be it further enacted, That if any Diſputes ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County wherein ſuch Toll ſhall be due, demanded, or diſtrained for, who upon Application made to him for that Purpoſe ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance upon the ſaid Juſtice for that Purpoſe; all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector before he or ſhe ſhall be obliged to return the Goods ſo diſtrained, or the ſaid Overplus, or any Part thereof reſpectively.

Collectors declared competent Witneſſes.

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

Tolls may be varied,

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time when and as often as they ſhall think proper, to leſſen or reduce all or any of the Tolls hereby granted or made payable at all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportions as they ſhall think fit, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by this Act made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five Sixth Parts of the Money then due on Security of the ſaid Tolls, but no ſuch Alteration ſhall be made unleſs Twenty-one Days previous Notice thereof in Writing ſhall be affixed upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in ſome One Newſpaper then publiſhed at *Derby*, and ſome One Newſpaper then publiſhed at *Nottingham* aforeſaid.

Tolls to be paid but once a Day.

XVI. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than once at any Toll Gate or Turnpike to be erected by virtue of this Act, for paſſing or repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night), with the ſame Horſes, Cattle, Beaſts, and Carriages through the ſame Toll Gate or Turnpike (except as herein is excepted), but that all and every Perſon or Perſons having paid Toll once as aforeſaid, and producing a Ticket denoting the Payment of ſuch Toll (which Tickets the Collectors of the Toll are hereby required to give *gratis* on Receipt of the Tolls), ſhall

afterwards

afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages Toll-free during the same Day, through the same Toll Gate or Turnpike where such Toll was paid, except Horses, Oxen, or other Beasts drawing in Carriages laden with Copper, Iron, Lead, Coals, Cinders, Lime Stones, Timber or Trees, which shall not pass through any Toll Gate or Turnpike oftener than Twice in the same Day without paying the Toll by this Act imposed for the Third Time, and so alternately for every other Time which they shall on the same Day pass through any such Toll Gate or Turnpike, except as is herein-after otherwise provided.

Number of Tolls limited.

XVII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Horses, Cattle, Beasts, or Carriages through all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act, in the whole Length of that Part of the said Road from the Commencement thereof at *Clown* aforesaid, to a House now or lately occupied by the Honourable *Monckton*, in or near the Township of *Cuckney* aforesaid, nor in the whole Length of that Part of the said Road from the said last-mentioned House to the Termination of the said Road at *Budby*; and that no Toll shall be demanded or taken within the Distance of One Mile and a Quarter from the said Termination of the Road at *Budby* aforesaid.

Exemptions from Tolls.

XVIII. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Toll Gates or Turnpikes to be erected upon or on the Sides of the said Road, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Gravel or other Materials to be used on or about the said Road, or for the repairing any Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Road, nor returning empty when so employed; nor carrying or conveying Hay or Corn in the Straw only, not to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, nor returning empty after having been so employed; nor any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands; nor any Mould, Dung, Compost, or Lime for the manuring of Lands, nor returning empty when so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate going to or returning from any Church, Chapel, or other Place of religious Worship, or visiting his Sick Parishioners, or any other his Parochial or Ministerial Duty, nor by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places who shall pass through the said Toll Gates or Turnpikes to or from Church, Chapel, or other Place of religious Worship, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle which are kept within such Parishes, Townships, Districts or Places going to or returning from Work in cultivating Lands; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, Goats, or Hogs, which are to be kept within the said Parishes, Townships, Districts or Places going to or returning from Pasture, the Commons, or other grazing Grounds, or Watering Places, or Blacksmiths Shops, for the Purpose of being shoed within the same, or in bringing Peats, Turf or Heath from off the Moors belonging to the same

for the Use of the Inhabitants thereof; nor for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-master General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same, or for the Horses of Soldiers on the March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Nottingham* and *Derby*, on the Days of such Elections, or on the Day before or Day after such Elections shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Carriages employed in His Majesty's Service not subject to Regulations 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, Barrack, 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 Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

To prevent evading the Tolls.

XX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle or Beast to pass through the same, whereby Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person (other than a Collector of the said Tolls) any Ticket

by

by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle or Beast, from any Carriage whereby the Payment of any of the said Tolls or any Part or Parts thereof, shall be evaded, every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act, in Manner herein-after directed.

Power to compound for Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Parishes, Townships, or Districts to or through which the said Road leads, and who shall duly perform their Statute Work upon the same, for the passing of their Horses or Cattle through all or any of such Toll Gates or Turnpikes as aforesaid.

19 & 39 G. 3. for repairing Roads communicating with this Road.

XXII. And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from* Gander Lane *in the County of* Derby, *to* Sheffield *in the West Riding of the County of* York, *and also the Road branching out of the said Road at or near* Mosbrough Green *in the said County of* Derby, *to* Clown *in the same County:* And whereas another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and to alter and enlarge the Powers of an Act, passed in the Nineteenth Year of the Reign of His present Majesty, for repairing and widening the Roads from* Gander Lane *in the County of* Derby *to* Sheffield *in the County of* York, *and from* Mosbrough Green *to* Clown, *both in the said County of* Derby: And whereas in Consideration of the great Advantage which the said intended new Turnpike Road is likely to produce to the Trustees of the said *Gander Lane*, and *Sheffield* and *Mosbrough Green*, and *Clown* Turnpike Roads, the Trustees of the said last-mentioned Roads are willing to permit Cattle and Carriages which shall be used in conveying Coals only, or going or returning unladen, or empty, for the Purpose of or after having been used in conveying Coals only upon that Part of the said last-mentioned Turnpike Road which is situated between *Barlbrough* Church and the Commencement of the proposed new Turnpike Road at *Clown*, Toll-free, provided such Cattle and Carriages do pay Toll at a Bar to be fixed between *Clown* and *Cuckney*, upon Condition of receiving the annual Sum of Ten Pounds from the Trustees for executing this Act, as a Composition for the Tolls that might be demanded for such Horses and Carriages; be it therefore enacted, That after the said intended Road shall be made, and such Bar fixed between *Clown* and *Cuckney* aforesaid, and such Toll as aforesaid demanded and taken, there shall be yearly and every Year paid, by and out of the Tolls to be collected and received upon the said new intended Turnpike Road, under the Authority of this Act, to the Treasurer of the Trustees of the said *Gander Lane*, and *Sheffield* and *Mosbrough Green*,

A Composition of 10l. to be paid to the Trustees of those Roads in lieu of certain Tolls.

and *Clown* Turnpike Roads, or such other Person or Persons as they shall authorize to receive the same, the clear yearly Sum of Ten Pounds, which shall be accepted by them as a Composition for such Toll-free Passage.

Composition not payable till Road is completed.

XXIII. And be it further enacted, That the said Composition or annual Sum of Ten Pounds shall not begin to be payable until the said new intended Turnpike Road shall be completed, and Tolls shall begin to be received thereon; but such Composition shall be computed from the Day whereon the Tolls shall begin to be paid, and shall be paid on the same Day in every succeeding Year, and in Default of such Payment for the Space of Forty Days after the same shall from Time to Time become due, such annual Sum of Ten Pounds, or any Part thereof, shall and may be recovered from the Trustees appointed in and by this Act, or from their Treasurer for the Time being, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Treasurer or Treasurers for the Time being of the said *Gander Lane*, and *Sheffield* and *Mosbrough Green*, and *Clown* Turnpike Roads, against the Treasurer for the Time being, or any One of the acting Trustees for the Time being of the said new intended Turnpike Road, and the said annual Sum of Ten Pounds shall be applied and disposed of in such and the same Manner as the Tolls payable by virtue of the said Two recited Acts are directed to be applied and disposed of.

Power to lease Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes then erected across the said Road, and to be inserted in such Newspapers as aforesaid, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the best Rent or Price that can reasonably be gotten for the same, payable at such Time, and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, as the said Trustees shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees shall think fit.

Power to remove Toll Gates.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, across, or on the Sides of the Road by this Act authorized to be repaired, to be removed to and erected in, upon, or across, or on the Side of such other Part or Parts of the same Road as the said Trustees shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Twenty Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the same Road, and inserted in such Newspapers as aforesaid.

Toll Houses, &c. vested in the Clerk and Treasurer.

XXVI. And be it further enacted, That the Right, Interest, and Property of and in all the Toll Gates or Turnpikes, and Tolls Houses which shall

shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto belonging respectively, and the Materials of which the same shall consist, and all Materials, Matters, and Things which shall be purchased or provided for the Purposes of this Act, shall be vested in the Clerk or Clerks, and Treasurer or Treasurers for the Time being of the said Road by this Act authorized to be repaired and he and they is and are hereby empowered to sell, assign, transfer, apply and dispose of the same as occasion shall require, and as the said Trustees shall from Time to Time order, direct, and appoint; and under the like Order, Direction, and Appointment of the said Trustees to bring or cause to be brought any Action or Actions, or to prefer and prosecute any Indictment or Indictments, against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure, or damage any of the said Toll Gates, Turnpikes, or Toll Houses, or any of the Conveniences or Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforesaid, or any new Fences which shall be made by the said Trustees, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act.

For recovering the Subscriptions.

XXVII. And be it further enacted, That if the several Persons who have become Subscribers, or who shall become Subscribers towards the Expences of passing and executing this Act, or any of them, shall, after Twenty Days previous Notice in Writing under the Hands of the Treasurer or Clerk of the said Road for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make a Payment of the respective Sums by him or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, or Suit against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed, and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

For borrowing Money on Security of the Tolls.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings, to borrow and take up at Interest, upon the Credit of the Tolls to arise by virtue of this Act, any Sum or Sums of Money which they shall think necessary for the Purposes of this Act, provided that no Money shall be borrowed after the First Meeting of the said Trustees, unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road; and also published in such Newspapers as aforesaid, and the said Trustees are hereby empowered by any Writing or Writings under their respective Hands and Seals from Time to Time to assign or mortgage the said Tolls, or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any Subscriber or Subscribers as aforesaid, or other Person or Persons who shall advance such

Sum or Sums of Money as aforesaid, their respective Executors, Administrators, and Assigns for the Money so to be advanced, with Interest for the same, which Writing or Writings may be made in the Form, or in Words to the Effect following; (that is to say),

Form of the Security.

'BY virtue of an Act of Parliament made in the Fiftieth Year of the 'Reign of His Majesty King *George* the Third, intituled, [*here set 'forth the Title of this Act*], we of the 'Trustees for putting the said Act into Execution, in Consideration of the 'Sum of paid by *A. B.* of 'to the Treasurer of the said Road, do hereby bargain, sell, and 'assign unto the said *A. E.* such Proportion of the Tolls to arise upon the 'said Road as the said Sum of Pounds doth or shall bear 'to the whole Sum now due or hereafter to become due on the Security 'thereof, to hold the same unto the said *A. B.* his Executors, Administrators and Assigns, from the Day of the Date hereof, for and during the 'Continuance of the said Act, unless the said Sum of 'with Interest for the same, after the Rate of Five Pounds 'per Centum per Annum shall be sooner repaid and satisfied. Given under 'our Hands and Seals this Day of 'in the Year of our Lord.

Copies to be entered.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer of the said Road, which Book or Books may at all seasonable Times be perused and inspected, without Fee or Reward; and it shall be lawful to and for all and every Person or Persons to whom any Mortgage or Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, or their Right, Title, and Interest in and to such Mortgage or Security, and the Principal Money and Interest secured thereby, to any other Person or Persons, which Assignment and Transfer may be made in the Form or in Words to the Effect following; (that is to say),

Form of Transfer.

'I, *A. B.* of [*or*, I, *C. D.* of Executor 'or Administrator of *A. B.* late of [*or 'otherwise, as the Case may happen to be*], in Consideration of the Sum of 'to me paid by *E. F.* of 'do hereby assign and transfer unto the said *E. F.* his Executors, Administrators, and Assigns, a certain Mortgage or Security, bearing Date the 'Day of in the Year of our Lord 'under the Hands and Seals of of the Trustees 'for putting in Execution an Act of Parliament, passed in the Fiftieth 'Year of the Reign of His Majesty King *George* the Third, intituled, [*here 'set forth the Title of this Act*] with all my Right and Title to the principal Sum of thereby secured, and all Interest now 'due and hereafter to grow due thereon. Dated this Day of 'in the Year of our Lord

Which Transfer shall be produced to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the Book or Books last mentioned, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid, and such Transfer shall then entitle such Assignee or Assignees, his, her, or their

their Executors, Adminiſtrators, and Aſſigns, to the Benefit of ſuch Mortgage or Security; and every ſuch Mortgage or Security may be again aſſigned and transferred in like Manner, and ſo from Time to Time as often as Occaſion ſhall require; and it ſhall not be in the Power of any other than the Perſon or Perſons to whom the ſame ſhall be laſt aſſigned as aforeſaid, his, her, or their reſpective Executors or Adminiſtrators, to releaſe, diſcharge, or make void the original Mortgage or Security ſo transferred as aforeſaid, or the Monies due thereon, or any Part thereof; and all Perſons to whom any Mortgage or Security ſhall be made as aforeſaid, their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall in Proportion to the Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing their Monies, or of the Date of their reſpective Securities.

Application of the Money.

XXIX. And be it further enacted, That all Monies which ſhall ariſe and be produced by Subſcriptions as aforeſaid, and from the Tolls by this Act granted, together with the Monies which ſhall from Time to Time be borrowed in purſuance of this Act, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following (that is to ſay), in the firſt Place in Payment of the Coſts, Charges, and Expences of preparing and paſſing this Act, and of making the Maps, Books of Reference, Survey and Eſtimate, reſpecting the ſame; in the ſecond Place in paying the Intereſt accruing upon the ſeveral principal Sums of Money which ſhall from Time to Time be due and owing on the ſeveral Mortgages or Securities made in purſuance of this Act; in the third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and of making, forming, repairing, widening, and altering the ſaid Road, and purchaſing Lands for thoſe Purpoſes, and of erecting and maintaining neceſſary and convenient Bridges upon the ſaid Road, and of executing the ſeveral other Powers and Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral principal Sums for the Time being due on ſuch Mortgages or Securities as aforeſaid.

Appointing Officers.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint one or more Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them to appoint others in their Stead (provided that no Perſon being a menial Servant of any Truſtee ſhall be capable of holding any Place of Profit or Truſt under this Act); and the ſaid Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to them, or to ſuch

Perſon

Perſon or Perſons as they ſhall appoint, true, exact, and perfect Accounts in Writing under their Hands, upon Oath (which Oath any one or more of the ſaid Truſtees is and are hereby empowered to adminiſter) of all Monies which they reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with proper Vouchers for ſuch Payment, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to verify ſuch Account upon Oath, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his or her Cuſtody or Power relating to the Execution of this Act, in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County, Riding, or Diviſion where the Officer or Perſon ſo making Default ſhall be or reſide, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, to make Inquiry concerning ſuch Refuſal, Default, or Neglect, as well by the Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices or either of them are and is hereby empowered and required to adminiſter), and if ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall upon ſuch Conviction commit him or her to the Common Gaol or Houſe of Correction of the ſame County or Place, there to remain without Bail or Mainprize until he or ſhe ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he or ſhe ſhall have compounded and agreed with the ſaid Truſtees (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he or ſhe ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees; provided that no Perſon ſhall be ſo committed as laſt aforeſaid for a longer Space of Time than Six Calendar Months.

Truſtees may appoint temporary Collectors in certain Caſes.

XXXI. And be it further enacted, That upon the Death, Incapacity, or Abſence of any Collector of the Tolls, it ſhall be lawful for any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting appointed in purſuance of this Act, by any Writing under their reſpective Hands, to nominate and appoint a proper Perſon to be a Collector of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Place or Stead of ſuch Collector as ſhall ſo die or become incapable or abſent himſelf.

Truſtees to take Security.

XXXII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver and Receivers, Collector and Collectors, Surveyor and Surveyors, and from any other Officers to be appointed in purſuance of this Act for the faithful Execution of their reſpective Offices as the ſaid Truſtees ſhall think proper.

Truſtees who have not acted in the pre-

XXXIII. Provided always, and be it further enacted, That after the firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee

Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death or any other Vacancy, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act at leaſt once in the Year preceding the Time that ſuch Vacancy ſhall happen, the only Evidence whereof ſhall be his having ſigned the Order Book of the ſaid Truſtees. ceding Year not to vote on the Election of Officers.

XXXIV. And be it further enacted, That it ſhall be lawful for the Surveyor of the ſaid Road, by this Act authorized to be repaired, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making, forming, and repairing the ſame Road and the Toll Houſes and Bridges in or upon the ſame, out of and from any Waſte Grounds, Commons, Common Quarries, Rivers or Brooks in any Pariſh, Townſhip, or Diſtrict within which the ſaid Road paſſes or ſhall paſs, or in any adjoining Pariſh, Townſhip, or Diſtrict without paying any Thing for the ſame; ſuch Surveyor or other Perſon or Perſons filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, or ſufficiently fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and in caſe ſuch Materials cannot conveniently be had in ſuch Waſte Grounds, Commons, Common Quarries, Rivers, or Brooks as aforeſaid, then to cut, dig, gather, take, and carry away ſuch Materials as aforeſaid, in, upon, out of, or from and over any other Land, Grounds, and Quarries (except as herein-after is mentioned), making ſuch Compenſation and Satisfaction for the Damage done to the Owners and Occupiers of ſuch Lands, Grounds, and Quarries where, through, and from whence the ſame ſhall be digged, gathered, taken, and carried away, or over which any Materials gotten in any Waſte Ground, Commons, Common Quarry, River or Brook ſhall be conveyed, as the ſaid Truſtees ſhall judge reaſonable. Surveyor may get Materials for the Road.

XXXV. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act to dig, gather, take, or carry away any ſuch Materials as aforeſaid in or from any incloſed or private Grounds or Quarries, until after Ten Days previous Notice in Writing, ſigned by the ſaid Surveyor, or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before Two or more Juſtices of the Peace, acting for the County, Riding, or Diſtrict wherein the ſaid Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhow Cauſe why ſuch Materials ſhould not be taken away, and ſuch Truſtees or Juſtices, after hearing the Parties concerned, ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away any ſuch Materials at ſuch Time or Times, and in ſuch Manner as to ſuch Truſtees or Juſtices ſhall ſeem proper; or if ſuch reſpective Owners or Occupiers ſhall not by themſelves, or their reſpective Agents, attend purſuant to ſuch Notice, ſuch Truſtees or Juſtices may make ſuch Order therein as they ſhall think fit, in the ſame Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice. Materials not to be taken from incloſed Grounds without an Order from Two Juſtices.

Penalty for taking away Materials got by the Surveyor.

XXXVI. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of making or amending the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers who may get Materials therein for their own Uſe only and not for the Uſe of any other Highway, or for Sale), every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

For preventing Obſtructions on the Sides of the Road.

XXXVII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure or other Thing ſhall be unladen and laid down upon any Moor, Common or Waſte Ground, nearer to the Side of the ſaid Road by this Act authorized to be made and repaired, than the Diſtance of Thirty Feet, upon Pain that every Perſon ſo offending and being lawfully convicted thereof ſhall forfeit and pay the Sum of Forty Shillings.

Penalty for damaging Footways, or cauſing Nuiſances or Obſtructions on the Road.

XXXVIII. And be it further enacted, That if any Perſon ſhall ride upon any Foot Way adjoining the ſaid Road by this Act authorized to be repaired, or ſhall lead or drive any Horſe, Cattle, or Swine, or any Carriage on ſuch Foot Way, or ſhall cauſe any Damage to be done thereto, or ſhall put or turn any Horſe, Aſs, Swine, or other Beaſt or Cattle of any Kind into or upon the ſaid Road, or the Sides thereof, or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, longer than ſhall be neceſſary for the loading or unloading thereof, in or upon the ſaid Road or the Sides thereof, either with or without any Horſe or Beaſt of Draught, harneſſed or yoked thereto, (except in Caſe of Accidents), every Perſon ſo offending, ſhall forfeit and pay for the firſt Offence a Sum not exceeding Ten Shillings, and for the ſecond and any ſubſequent Offence a Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, or ſuch Perſon or Perſons as he ſhall appoint, from Time to Time, to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Road by this Act authorized to be repaired, by Timber, Stone, Carriages, Saw Pits, or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and alſo to divert or turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame, to the Prejudice thereof, and to open, ſcour and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near any Part of the ſaid Road, and alſo at proper Seaſons of the Year to cut down, top or lop any Trees, Branches, or Buſhes growing in the ſame Road, or in the Hedges, Fences, Banks or Grounds adjoining thereto, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be, ſhall neglect

neglect so to do for Ten Days after Notice in Writing given for that Purpose under the Hand of such Surveyor, and the Charges thereof respectively, (being settled by the said Trustees), shall be reimbursed from Time to Time by such respective Owners or Occupiers so neglecting as aforesaid; and in case such Charges shall not be paid on Demand, the same shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be imposed are herein-after directed to be levied and recovered; and if after the Removal of any such Nuisances and Annoyances as aforesaid any Person shall offend again in like Manner, every Person so offending again and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Forty Shillings.

Surveyor empowered to remove sudden Obstructions without Notice.

XL. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things as shall suddenly fall or be blown down from any Hedge, Bank, or Land, into or upon any Part of the said Road by this Act authorized to be repaired, so as to narrow or obstruct the Passage along the same, and to carry and place the same on any Waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners and Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things shall so slide or fall, or be blown down as aforesaid, and the Charges of carrying away the same (to be settled by the said Trustees) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Surveyors may make Causeways and Drains.

XLI. And be it further enacted, That it shall be lawful for the said Surveyor and any other Person or Persons, by order of the said Trustees, to cut and make Causeways, Ditches, Drains, and Watercourses in, upon, and on the Sides of the said Road by this Act authorized to be made, and also through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in repair Bridges and Arches upon the same Road, and across any such Ditch, Drain, or Watercourse as aforesaid, and to make sufficient Barriers and other Erections on any Part or Parts of the same Road, in order to prevent the same from being flooded or overflowed with Water, as the said Surveyor shall judge necessary; and also to make or cause to be made any temporary Road or Roads, through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the same Road, except as herein-after is mentioned, to be made Use of as a Road whilst the Road by this Act authorized to be repaired shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners and Occupiers of such Grounds to be used, cut through, or built upon, for the Damages which such Owners or Occupiers respectively shall sustain thereby, as the said Trustees shall judge reasonable.

Power to make, widen, or alter the Roads.

XLII. And be it further enacted, That it shall be lawful for the said Trustees at any Time or Times to widen any Road now existing in the proposed Lines of the Road by this Act authorized to be made, and to

to divert, turn, or alter the Courſe or Direction of any Part or Parts thereof, within the Diſtance of One hundred Yards, without ſuch Conſent as herein-before mentioned, and to open and make a new and convenient Carriage Road through or over any Moor or Waſte Ground, without making any Satisfaction for the ſame, and alſo through or over any private Lands or Tenements (except as herein-after is mentioned), firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damages they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any private Lands or Tenements for the Purchaſe thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by opening and making the ſaid intended new Road, or widening, turning, or altering any Part or Parts thereof, or of any other 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, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Coverts, *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 Tenements, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require, and all Contracts and Sales ſo made ſhall, without any Conveyance or Aſſurance in the Law, be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof 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 and in purſuance of this Act; and if any of ſuch Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them given or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Tenements ſo to be taken and poſſeſſed for the Purpoſe of carrying this Act into Execution, ſhall by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where the Whole or the greater Part of ſuch Lands and Tenements are ſituate (which Oath any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages will be ſuſtained by and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted, for or on Account of the taking and poſſeſſing for the Purpoſes aforeſaid of ſuch Lands or Tenements; and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time, as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a

Power to Corporations, &c. to ſell.

Recompence to be ſettled by a Jury, whoſe Verdict ſhall be final, &c.

Witneſs or Witneſſes touching or concerning the Premiſes, (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion, if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained and ſettled ſuch Damages, Recompence and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owner or Occupiers of or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition and Order ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lives, or Years, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, and under any Diſability whatſoever; Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County where ſuch Lands and Tenements or the major Part of them are ſituate; or in caſe ſuch Sheriff, or his Deputy or Deputies, ſhall be anyways intereſted in the Matter in Queſtion, then to ſome or One of the Coroners of the ſame County, not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law, to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One or more of them, ſhall ſwear or cauſe to be ſworn Twelve who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service (being qualified as laſt aforeſaid), to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or on being ſo ſworn refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, provided that any ſuch Fine ſhall not

exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Person for any One Offence.

How Expences of Jury, &c. shall be paid.

XLIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or of any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning of the Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place, not interested in the Matter in Question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the Whole of such Fees and Expences shall be paid by the said Trustees.

How the Purchase Money is to be applied.

XLIV. And be it further enacted, That every Sum of Money, Recompence or Satisfaction, which shall be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, either into the Bank of *England*, or to the Parties or Persons respectively entitled thereunto, or to their Agents, according to the Directions herein-after contained (as the Case may be), and upon Payment thereof, all Owners and Occupiers of and Persons interested in such Lands or Grounds, shall thenceforth be divested of all Right, Title, Claim, Interest, and Property of, into, or out of the same; and such Lands or Grounds shall be laid into and made Part of the said Road by this Act authorized to be repaired, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall thenceforth to all Intents and Purposes what-

foever become and for ever afterwards be a common Highway, and ſhall be deemed Part of the Road to be made and repaired by virtue of this Act, and ſhall be made and repaired accordingly; and after ſuch new Road ſhall be completed the Lands conſtituting any former Road or Roads leading in the ſame Direction, or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to ſome Town, Village, or Hamlet to which ſuch new Road doth not or ſhall not lead, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid Road for the Time being, and he and they is and are hereby empowered to ſell the ſame in ſuch Manner as the ſaid Truſtees ſhall direct or appoint, and in caſe of any ſuch Sale after Payment of the Purchaſe Money for the Lands ſo ſold, and upon proper Receipts being ſigned or given for the ſame by the Clerk or Treaſurer for the Time being of the ſaid Road, the Lands ſo ſold as aforeſaid reſpectively, and the Fee Simple and Inheritance thereof reſpectively, ſhall be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo ſold as aforeſaid by virtue of this Act, without any Conveyance or Aſſurance in the Law whatſoever.

Directing Pieces of old Roads to be offered for Sale to the Proprietors of the adjoining Lands.

XLV. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Road, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Riding or Diſtrict where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons not intereſted therein, that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall be ſufficient Evidence that ſuch Offer was made and was not agreed to, or was refuſed 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 the ſame, and he, ſhe, or they, and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to aſcertaining the diſputed Value of Lands to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein directed with reſpect to Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old 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.

Dwelling Houſes, Gardens, &c. not to be damaged.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons, to make the ſaid Road or any Part thereof through any Woods or Plantations of any Deſcription whatſoever of his Grace the Duke of *Portland*, or by the making thereof in anywiſe to injure or damage the ſaid Woods or Plantations, or to pull down or damage any Dwelling Houſe or Building, or to take away or damage any Ground having been uſed as a Garden,

Garden, Orchard, Yard, Walk, or Avenue to a Houſe or Plantation, or Nurſery of Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the ſaid Duke of *Portland*, and the Owner or Owners of every ſuch Dwelling Houſe or other Building, Garden, Orchard, Yard, Walk, Avenue, Plantation, or Nurſery of Trees reſpectively, his, her, or their Agent or Agents, under their reſpective Hands for that Purpoſe firſt had and obtained.

Roads diſcontinued not to be repaired.

XLVII. Provided alſo, and be it further enacted, That in caſe any ancient or former Road over any Moor or Waſte Grounds ſhall by virtue of this Act be turned or diverted, the Inhabitants of the Pariſh, Townſhip, or Hamlet wherein the ancient or former Road which ſhall thereby be left or diſcontinued lieth, ſhall not be obliged to repair ſuch ancient or former Road, unleſs the ſame leads to ſome Town, Village or Hamlet, with which the new Road doth not or ſhall not communicate.

Application when the Money amounts to 200 l.

XLVIII. And be it further enacted, That if the Money which ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of this Act, ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid, 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, and Hereditaments), in the Purchaſe of the Land Tax or 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 to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, 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 Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements,

and

and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation when less than 20 l. and exceeds 20 l.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or assessed 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 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 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 in the Name and with the Privity of the 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 by the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20 l.

L. Provided also, and be it further enacted, That when such Money, so agreed or assessed to be paid as herein-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 Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees 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 entitled respectively.

In case of not making out Titles, &c.

LI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 to order the Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands,

Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

LIII. 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 Act, the Purchase Money for the same shall be required to be paid into the said Court and to be applied to the Purchase of other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time

Time pay such Sums of Money for such Purposes as the said Court shall direct.

New Roads to be fenced by the Trustees.

LIV. And be it further enacted, That the said Trustees shall make or cause to be made proper Walls or Quickset Fences where necessary, (as the Case shall require), so as effectually to guard and fence off the Lands adjoining to the said Road by this Act authorized to be repaired, and also proper Gates, Bridges, and Arches, where necessary, out of the same Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Six Years, from the Time that such Quickset Fences shall have been made or planted.

Lands chargeable to the Repairs of Roads and Bridges to continue so.

LV. Provided always, and be it further enacted, That where any particular Part or Parts of the said Road by this Act authorized to be repaired, or any Bridges, Arches, Drains, Sewers, or Watercourses, lying in and upon the same Road have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, Riding, Ward, Parish or Township, or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, Sewers and Watercourses shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politic or Corporate, County, Riding, Ward, Parishes or Townships respectively, and in such Manner as the same ought to have been respectively maintained and kept in Repair in case this Act had not been made.

Statute Duty to be continued.

LVI. Provided always, and be it further enacted, That all Persons by Law chargeable towards repairing any Part or Parts of the said Road by this Act authorized to be made, or any Bridges thereon, shall still remain so chargeable, and shall do their respective Statute and other Work in or upon the said Road and the other Highways of the Parishes, Townships, or Districts in which the said Road lies, in like Manner as before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same), and where any old Road shall be discontinued by virtue of this Act, such Statute and other Work shall be performed upon the new Road made in lieu thereof.

How Statute Work and other Composition Money shall be apportioned.

LVII. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Road by the Inhabitants of the several Parishes, Townships, and Districts through which the said Road passes or is intended to pass, and what Proportion of the Money received by the Surveyor or Surveyors of the Highways for such several Parishes, Townships, and Districts, in lieu of or as a Composition for such Statute Work, shall be paid to the Trustees of the same Road or their Treasurer, be it further enacted, That it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Road hereby directed to be repaired, and for what Space

of Time and in what Manner the ſame ſhall be done upon ſuch Road, by the Inhabitants of each and every or any of the Pariſhes, Townſhips, or Diſtricts in or through which the ſame Road does or ſhall paſs; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Diſtrict, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in force for the Repairs of public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons as ſhall appear ſubject and liable to the 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 their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or to 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 or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if

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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 Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute and other Work to be compounded for.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree by the Year or otherwise, with the Owners or Occupiers of any Lands, Tenements or Hereditaments, or other Persons, Bodies Politic or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the Road by this Act authorized to be repaired, or of any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same, or the Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of such Repairs and Statute Work respectively, and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, and Districts through which the said Road passes or is intended to pass, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Road.

For recovering the Composition Monies.

LIX. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpikes or Toll Gates, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Two or more Justices of the Peace for the County, Riding, or Division in which such Composition Money shall become payable, by Writing under their respective Hands and Seals to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Justices that the same hath been demanded and remains due, which Oath they are hereby respectively empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors so agreeing to pay such Composition Money for such Repairs or Statute Work, as the Case may be, returning the Overplus (if any), after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, upon Demand, to the Owner or Owners thereof.

How Surveyors of Highways are to be reimbursed Composition paid by them.

LX. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery by the several Ways and Means, and in

in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for Repairs.

LXI. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening and repairing the Road by Authority of this Act to be repaired, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper, and alſo to contract with any Perſon or Perſons, Bodies Politic or Corporate, for the Payment of any annual Sum or Sums in groſs as a Compenſation for any Loſs, Injury, or Damage which he, ſhe, or they ſhall or may ſuſtain by carrying this Act into Execution; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting by the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Mile Stones and Direction Poſts to be erected.

LXII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Mile Stones or Poſts to be ſet up, and from Time to Time renewed on the Sides thereof reſpectively, with Inſcriptions thereon denoting the Numbers of Miles and Diſtance of Places, and alſo proper Direction Poſts where any other Roads lead out of or into the ſame Road; and if any Perſon or Perſons ſhall wilfully break, pull down, deſtroy or damage any of the Stones or Poſts which ſhall be ſo fixed or ſet up, or eraſe or obliterate or deface any of the Inſcriptions or Letters which ſhall be painted, engraven, or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty on hauling Timber or Stones on the Road.

LXIII. And be it further enacted, That if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the Road by this Act authorized to be repaired, excepting only on croſſing the ſame, any Tree or Piece of Timber, or any Stone, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon wheeled Carriages to drag upon any Part of the ſame Road to the Prejudice thereof, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Power for Owners or Occupiers of certain Land to make Drains acroſs the Road.

LXIV. Provided always, and be it further enacted, That it ſhall be lawful for any Owner or Occupier of Lands adjoining the ſaid Road by this Act authorized to be repaired, to cut acroſs the ſame Road for the Purpoſe of making, cleanſing, or amending any Drains or Watercourſes for draining ſuch adjoining Lands, and opening a Paſſage for the Water acroſs and underneath the ſaid Road, ſuch Drains and Watercourſes to be

ſo made and cut, and afterwards at all Times repaired, cleanſed, and amended in a ſufficient and proper Manner by the Perſon or Perſons who ſhall make the ſame, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, at his, her, or their own Expence; provided that ſuch Drains and Watercourſes ſhall always (at the Expence of the Perſon or Perſons ſo making ſuch Drains or Watercourſes, his, her, or their Heirs, Executors, or Adminiſtrators) be made and cut, and covered in, and the Road over the ſame reſtored to the ſame State and Condition as the ſame was in immediately before the making of ſuch Drains or Watercourſes, within as ſhort a Time as poſſible, and that One Half of the Breadth of the Road ſhall only be ſo cut through at once, and that the ſame ſhall be covered in and put into complete Repair before the other Half of the Breadth of the Road ſhall be cut through.

How Penalties and Forfeitures are to be recovered and applied.

LXV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering of which is not herein otherwiſe particularly directed), ſhall upon Proof of the Offences, and Conviction of the Offenders reſpectively, before any One or more Juſtice or Juſtices of the Peace for the County, Riding, or Diſtrict wherein ſuch Offences ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice and Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath *gratis*), and the Overplus, after ſuch Penalties, Forfeitures, Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on demand to the Owner or Owners of ſuch Goods and Chattels, and all ſuch Penalties, Forfeitures, and Fines (if not otherwiſe directed by this Act), ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied for the Purpoſes of this Act; and in Caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Goal or Houſe of Correction for ſuch County, Riding, or Diſtrict, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

LXVI. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form or in the Words to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be;

Form of Conviction.

Derbyshire, or Nottinghamshire, to wit. } 'BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us] [*Name and Style of convicting Justice or Justices*] for that the said *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act, according to the Fact*] contrary to the Form of the Statute made in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act,*] and I [*or*, we] do therefore declare and adjudge that the said *A. B.* [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*] or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.'

Appeal to the Quarter Sessions.

LXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been herein-before provided (save and except as to such Matters and Things as are herein-before authorized to be ascertained, settled, or determined by the Verdict of a Jury, and any Determination, Proceeding, Matter, or Thing herein directed to be final or conclusive), such Person or Persons may within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace, at their General Quarter Sessions to be holden for the County, Riding, or Division where the Cause or Matter of Complaint shall arise, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof to the Clerk or Treasurer of the Road by this Act authorized to be repaired, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the Justices at such Quarter Session, and to pay such Costs as shall be awarded against him, her, or them by such Justices; and the Justices at their said Sessions, on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed in, hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper, and their Determinations therein shall be final, binding, and conclusive to all Intents and Purposes.

Proceedings to be entered in a Book.

LXVIII. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the same Number of Trustees as are empowered to make or direct the same, and shall then be deemed original Orders and Proceedings, which Book or Books, and also the Book directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts, and before all Justices and other Persons having Jurisdiction in the Premises.

LXIX. And

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

LXIX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing which ſhall be done againſt or by virtue of this Act in the Name of their Clerk or Treaſurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Clerk or Treaſurer, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, but that the Clerk or Treaſurer for the Time being to the Truſtees ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action, and every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall pay, bear, expend or be put unto, or become chargeable with by Reaſon of his being made Plaintiff or Defendant as aforeſaid.

Limitation of Actions.

LXX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Twenty Days Notice thereof ſhall have been given to the Clerk or Treaſurer of the ſaid Road, nor after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every ſuch Action or Suit ſhall be laid or brought in the County where the Cauſe of Action aroſe, and not elſewhere, and the Defendant or Defendants in every ſuch Action ſhall or may at his, her, or their Election plead ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act, and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than that in which the Cauſe of Action aroſe, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given aagainſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath in other Caſes by Law.

Publick Act.

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

Commencement and Continuance of the Act.

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

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