ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 14.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed for repairing the Roads from a Place called *Littlegate*, at the Top of *Leadenham Hill*, in the County of *Lincoln*, to the West End of *Barnby Gate*, in *Newark upon Trent*, and from the Guide Post, at the Division of *Kelham* and *Muskham* Lanes, to *Mansfield*, and from *Southwell* to *Oxton*, in the County of *Nottingham*; and for repairing the Road from the West Side of *Newark Bridge*, to the said Guide Post.

[3d *May* 1804.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Roads from a Place called* Littlegate, *at the Top of* Leadenham Hill, *in the County of* Lincoln, *to the West End of* Barnby Gate, *in* Newark upon Trent, *and from the Guide Post, at the Division of* Kelham *and* Muskham *Lanes, to* Mansfield, *and from* Southwell *to* Oxton, *in the County of* Nottingham: And whereas an Act was passed in the Twenty-second Year of the Reign of His present Majesty, 32 G. 2. 22 G. 3.

for enlarging the Term and Powers of the ſaid former Act, and for repairing the Road from the Weſt Side of *Newark Bridge* to the ſaid Guide Poſt at the Diviſion of *Kelham* and *Muſkham* Lanes: And whereas the Truſtees appointed in or by virtue of the ſaid Acts have made great Progreſs in repairing the ſaid Roads, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money upon the Credit of the Tolls thereby granted, which Money ſtill remains due and cannot be paid off, nor can the ſaid Roads be effectually amended, improved, and kept in Repair, unleſs the Term granted by the ſaid Acts be continued, and ſome of the Powers and Proviſions thereof altered, amended, and enlarged, and the Tolls thereby granted increaſed: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of

Acts further continued.

of the ſame, That the ſaid recited Acts, paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, and the Twenty-ſecond Year of the Reign of His preſent Majeſty, and all the Powers, Proviſions, Matters, and Things, therein contained (except ſuch as relate to Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed), ſhall be and continue in full Force and Effect, and be executed for and during the Term herein after-mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Additions, Amendments, and Alterations, herein contained, and which ſhall commence and take Effect upon the paſſing of this Act; and this Act, and the additional Term hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all the reſpective Sums of Money now due and owing on the Credit or on Account of the ſaid recited Acts, and alſo of ſuch other Sum or Sums of Money as may be borrowed for the Purpoſes of the ſaid Acts or of this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Additional Truſtees appointed.

II. And be it further enacted, That the Right Honourable *William Henry Cavendiſh Bentinck*, commonly called *Lord William Henry Cavendiſh Bentinck*, the Right Honourable *Charles Bentinck*, commonly called *Lord Charles Bentinck*, the Right Honourable *Frederick Bentinck*, commonly called *Lord Frederick Bentinck*, the Canon Reſidentiary of the Collegiate Church of *Southwell* for the Time being, *John Thomas Becher*, *Sherard Becher*, *John Beevor*, *Joſhua Brooke*, *Godfrey Cooper*, *John Hall Clay*, *William Clay*, *Robert Chaplin*, *Robert Lowe*, *Henry Neville*, *John Parſons*, Clerks; *John Brettle*, *Francis Brown*, *John Gilbert Cooper* the younger, *Francis Chaplin*, *Henry Fane*, *John Charles Girardot*, *Henry Hawley*, *William Farnworth Handley*, *John Handley*, *William Hunter Hunter*, *Samuel Jenkins*, *Joſias Jeſſop*, *Cranmer Kenrick*, *John Leacroft*, *Richard Marſhall*, *Chriſtopher Noel Noel*, *John Porter*, *Roger Pocklington* the younger, *John Reeve*, *William Key Reeve*, *William Sherbrooke*, *Robert Sutton*, *Joſeph Sikes*, *Cranfield Becher*, *William Bland*, *Richard Cawkwell*, *William Roſtall Dickinſon*, *Thomas Falkner*, *Daniel Hebb*, *John Huddleſtone*, *John Lamb*, *James Lacy*, *John Milward*, *James Patterſon*, *Joſeph Rickett*, *William Edward Tallents*, and *John Wriggleſworth*, ſhall be and they are hereby added to and joined with the Truſtees appointed by and and in purſuance of the ſaid former Acts for putting the ſame and this Act in Execution; and the

the Truſtees hereby nominated, and their Succeſſors, being qualified according to the Directions of the ſaid firſt recited Act, are hereby empowered to act in the Execution of the ſaid Acts and this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been nominated and appointed in and by the ſaid Acts.

Proceedings of unqualified Perſons to be valid.

III. And be it further enacted, That if any Perſon or Perſons who hath or have acted, or ſhall act as a Truſtee or Truſtees in the Execution of this or the ſaid former Acts, or any of them, ſhall be convicted of having acted without being duly qualified (as the Caſe may be), yet nevertheleſs all Acts and Proceedings of ſuch Perſon or Perſons ſo acting as a Truſtee or Truſtees, previous to his or their being convicted of ſuch Offence, ſhall be as valid and effectual, to all Intents and Purpoſes, as if ſuch Perſon or Perſons had been ſo qualified: Provided always, that any Mortgagee, or any Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls authorized to be taken on the ſaid Roads, or receiving Intereſt thereout for the ſame, ſhall not on that Account be deemed unqualified to act, or defeated from acting as a Truſtee.

Mortgagees may act.

Clauſe reſtraining more than One Toll to be taken on certain Parts of the Roads repealed.

IV. And be it further enacted, That ſo much of the ſaid former Acts, or either of them, as enacts that no more ſhall be paid for the ſame Horſes, Beaſts, Cattle, or Carriages, in any one Day, than One Toll, for paſſing through all or any of the Turnpikes erected or to be erected acroſs and on the Sides of the ſaid Road between the ſaid Town of *Newark* and *Leadenham Hill*, nor more than One Toll for paſſing through all or any of the Turnpikes erected or to be erected acroſs and on the Sides of the ſaid Road between the ſaid Town of *Newark* and the ſaid Town of *Mansfield*, nor more than One Toll for paſſing through all or any of the Turnpikes erected or to be erected acroſs and on the Sides of the ſaid Road between the ſaid Town of *Newark* and the Town of *Oxton*, ſhall be and the ſame is hereby declared to be repealed.

Reſtraining additional Toll.

V. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered to demand, or cauſe to be demanded, for and in reſpect of the Horſes, Beaſts, Cattle, or Carriages, having paſſed through any One of the Toll Gates already erected or to be erected in the ſeveral Diſtricts, or within the Diſtances aforeſaid, and paſſing in the ſame Day through any other Toll Gate already erected or to be erected therein, an additional Toll, not exceeding Two-third Parts of ſuch Toll as is authorized to be taken by the ſaid former Acts or either of them; and the ſaid Truſtees are and ſhall be authorized to vary from Time to Time the ſaid additional Toll, in ſuch Manner as to them ſhall ſeem meet, but not ſo as to exceed the Proportion of Two-third Parts of the original Toll impoſed by the ſaid former Acts, nor ſo as to demand the ſaid additional Toll more than Once in any One Day for the ſame Horſes, Beaſts, Cattle, and Carriages, having paid the original Toll authorized to be taken by the ſaid Acts, and paſſing or repaſſing through all or any of the ſaid Toll Gates in the ſaid ſeveral Diſtricts, or within the ſaid ſeveral Diſtances reſpectively.

Exemptions from Tolls.

VI. And whereas the Exemptions from Toll granted by the ſaid former Acts have been found inconvenient and detrimental to the ſaid Roads, be it

it therefore enacted, That the ſame ſhall be and they are hereby repealed; and that, from and after the paſſing of this Act, no Toll ſhall be demanded or taken for or in reſpect of any Horſes or Carriages of whatſoever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes, attending any Officers or Soldiers upon their March or on Duty, or going to or returning from any Place of Exerciſe, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, Curate, or Miniſter, going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor of or from any Perſon or Perſons going to or returning from his or their Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Worſhip is ordered by Authority to be celebrated; or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place, through which any of the ſaid Roads paſs; nor for or in reſpect of any Cattle or Carriage laden only with, or going for or returning empty after having been laden only with Gravel, Stone, or other Materials for repairing the ſaid Roads, or any publick Road in any of the Pariſhes, Hamlets, or Places, in which the ſame do lie; or any Dung, Mould, Lime, Soil, Marl, or Compoſt for manuring any Grounds; or with any Graſs, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, to be laid up in the Houſes, Outhouſes, Barns, Yards, or Premiſes of the Owners thereof, and carried for their own private Uſe and Conſumption only, and not for Sale; nor ſhall any Toll be demanded or taken for any Horſe, or other Cattle, or Beaſt, or Carriage going to, paſſing, or returning from, any Corn Mill, laden with Corn, Grain, Malt, or Flour, ground or to be ground for the Uſe or Conſumption of the Owners in his or her Dwelling Houſe, within any Townſhip wherein ſuch Roads do paſs, and not for Sale, or returning unladen after having carried any ſuch Corn or Malt to any Mill for the Purpoſe aforeſaid; nor for any Cattle drawing, or Carriage going with, or going empty, or returning empty after being laden only with, any Plough, Harrow, or other Implement of Huſbandry; nor for any Horſe or Horſes, or other Cattle, going to or from Water, Paſture, Plough, or other Work in Huſbandry, or for Sheep going to or returning from being waſhed upon or in any of the Lands within any of the ſaid ſeveral Pariſhes, Hamlets, or Places; nor ſhall any Toll be demanded or taken for any Horſes, or other Cattle going to any Smith's Shop, in order to be ſhoed or farried, or in returning back therefrom; nor for any Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; nor of or from any Perſon or Perſons going to vote at, or returning from any Election of a Member of Parliament for the Counties of *Nottingham* or *Lincoln* reſpectively, or the Borough of *Newark*, on the Day or Days of ſuch Election, or on the Day before or Day after the ſame ſhall begin or be concluded; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds nor leſs than Twenty Shillings.

Mails.

Soldiers.

Officiating Miniſters.

Perſons attending Divine Service,

or Funerals.

Materials for Repairs of Roads.

Manure.

Hay and Corn.

Implements of Huſbandry, *etc.*

Vagrants.

Voters.

VII. And

Penalty on Perſons evading the Tolls, *etc.*

VII. And be it further enacted, That in caſe any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, for which a Toll is hereby or by the ſaid recited Acts made payable, paſs through or over any Land, Ground, Paſſage, or private Way, or through or over any Common or Waſte Ground adjoining to or lying by the Side of or near to any Part of the ſaid Roads (the ſame not being a publick Highway); or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, Paſſage, or private Way, ſhall knowingly permit or ſuffer any Perſon or Perſons to paſs with any ſuch Horſe, Cattle, Beaſt, or Carriage, through or over the ſame, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, or after having paſſed through any Turnpike Gate ſhall put on an additional Horſe or Beaſt to any ſuch Carriage, with an Intent to evade the Payment of the ſaid Toll, or ſhall leave or cauſe to be left, upon or near the ſaid Roads, any Cattle or Carriage, with an Intent to evade any Part of the Tolls, or ſhall, with ſuch an Intent, unload any Goods or other Things from or out of any Carriage; or if any Waggoner or Carrier belonging to any Stage or other Waggon, Cart, or Carriage, conveying any Goods, Wares, or Merchandize, upon the ſaid Roads, ſhall, upon approaching any Turnpike whereat any Crane, Engine, or Machine, for weighing Waggons or Carts, is or ſhall be erected on the ſaid Roads, looſe or take off any Horſe or Horſes from ſuch Stage Waggon, or other Waggon, Cart, or Carriage, in order fraudulently to prevent ſuch Waggon, Cart, or Carriage from being weighed; or if any Perſon or Perſons ſhall forge or counterfeit, or ſhall give to or receive from any other Perſon or Perſons any Note or Ticket by this or by the ſaid recited Acts directed to be given by the Collectors of the Tolls, with an Intent to evade the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly paſs through any Turnpike Gate, with any Horſe, Cattle, or Carriage, or ſhall do any other Act in order or with Intent to avoid the Payment of the ſaid Tolls or Toll, or any Part thereof, every ſuch Perſon ſo offending in any of the Caſes aforeſaid ſhall for each Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, over and beſides ſuch Damages and Puniſhments as they ſhall reſpectively be otherwiſe liable to by Law, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein, or by the ſaid recited Acts directed to be applied.

Double Toll on *Sundays*.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered to demand and take, or cauſe to be demanded and taken, Double the Amount of the Tolls by the ſaid recited Acts or this Act authorized to be taken, at all and every the Toll Gates now erected or to be hereafter erected under the Powers of the ſaid recited Acts or either of them, or this Act, for and in reſpect of any Horſes, Beaſts, Cattle, or Carriages, paſſing or repaſſing through any of ſuch Toll Gates on the Lord's Day commonly called *Sunday*; which ſaid Toll ſhall be veſted in the ſaid Truſtees, and ſhall be recovered in like Manner, and under ſuch and the like Penalties for Non-payment or Evaſion thereof,

as are mentioned and contained in the ſaid recited Acts or this Act, for the Recovery of any other Tolls ſo authorized to be taken.

Collectors and other Officers may take Offenders without a Warrant before a Juſtice of the Peace.

IX. And whereas Offences may be committed againſt this Act or the ſaid former Acts, by Perſons unknown to the Collectors, Surveyors, or other Officers appointed by the ſaid Truſtees, be it therefore enacted, That it ſhall be lawful for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any Juſtice of the Peace for the County, Diviſion, or Place where the Offence or Offences ſhall have been committed, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at the next General or Quarter Seſſions of the Peace to be holden within and for the County, Diviſion, or Place, in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Seſſions, or any Two or more of them, are hereby authorized and empowered to hear and determine every ſuch Complaint in a ſummary Way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her, or them, to the Houſe of Correction for the County, Diviſion, or Place, there to remain for any Time not exceeding Twenty Days, unleſs he, ſhe, or they, ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

Toll Bar-keepers competent Witneſſes.

X. And be it further enacted, That in any Diſpute, Suit, or Litigation, which may ariſe touching or in anywiſe relating to the Tolls authorized to be taken by the ſaid former Acts and this Act, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, and all and every the Inhabitants of any Pariſh or Place through which the ſaid Roads or any Part thereof do paſs, ſhall be and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of their being ſo appointed to collect the ſame.

Power for Truſtees, *etc.* to diſtrain for Tolls or Rents due and in Arrear, and to expel and put out the Toll Bar Keeper and others from the Poſſeſſion of the Toll Bar Houſe and Tolls.

XI. And be it further enacted, That if any Farmer or Renter of the Tolls and Duties granted by the ſaid former Acts and this Act, ſhall not pay or cauſe to be paid the Rent or Rents, Sum or Sums of Money, that ſhall or may grow or become due for the ſame, within Six Days from the reſpective Days or Times on which the ſame ſhall be received or become due and ought to be paid, then and in any ſuch Caſe, and ſo often as the ſame ſhall or may happen, it ſhall be lawful for the ſaid Truſtees, or any Two or more of them, their Clerk or Clerks, Treaſurer or Treaſurers, for the Time being, or other Perſon or Perſons by the ſaid Truſtees, or any Two or more of them, authorized for that Purpoſe,

poſe, without any formal Demand being made, to enter into and upon the Toll Bar Houſe, Tolls, Duties, and Premiſes, for which ſuch Rent or Rents, Sum or Sums of Money, ſhall be ſo due and in Arrear as aforeſaid, and to diſtrain for the ſame, and the Diſtreſs and Diſtreſſes then and there found to ſeize, take, ſell, and diſpoſe of by publick Auction to the beſt Bidder or Bidders, towards the paying and diſcharging of all ſuch Rent or Rents, Sum or Sums of Money, which ſhall or may become due or payable for the ſaid Toll Bar Houſe, Tolls, and Duties, together with the Coſts, Charges, and Expences of taking, keeping, ſelling and diſpoſing of ſuch Diſtreſs or Diſtreſſes, and by and with the Conſent of the Surety and Sureties of ſuch Farmer or Renter, in Writing firſt had and obtained, to expel, put out, and remove ſuch Farmer or Renter of ſuch Toll Bar Houſe, Tolls, and Duties, and his and their Wife and Wives, Family and Families, and all other Perſons, from the ſaid Toll Bar Houſe, Tolls, Duties, and Premiſes, and thereupon, by and with the Conſent aforeſaid, to appoint a Receiver or Collector of the Tolls at ſuch Toll Bar, and put him in Poſſeſſion of the ſame, and of the Toll Houſe and Appurtenances thereto; and ſuch Receiver or Collector ſhall be and be deemed to be the Servant of the ſaid Truſtees, and accountable to them for all Tolls and Duties received and collected by him at ſuch Toll Bar; and the Tolls and Duties ſo received by the ſaid Truſtees ſhall be placed to the Credit of ſuch Farmer or Renter, towards the Diſcharge of the Rent reſerved under his Leaſe, Demiſe, or Agreement, until the Term thereof ſhall expire, any Law, Statute, Cuſtom, or Uſage, to the contrary thereof notwithſtanding: Provided nevertheleſs, that the ſaid Farmer or Renter, and his and their Surety and Sureties, ſhall, notwithſtanding ſuch Eviction or Removal as aforeſaid, be and remain ſubject and liable to pay all ſuch Rent or Rents, Sum or Sums of Money, as ſhall become due or payable for the ſaid Toll Bar Houſe, Tolls, and Duties, up to the Day of his or their being removed and turned out of Poſſeſſion as aforeſaid, and alſo to all ſuch Loſs or Defalcation which ſhall or may happen in the Receipt or Receipts of the ſaid Tolls and Duties, from the Time or Times of ſuch Re-entry and taking Poſſeſſion thereof, until the Term of the Leaſe, Demiſe, or Agreement, by which the ſaid Tolls and Duties were holden by him or them, ſhall expire, 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, Plaint, or Suit, in the Name or Names of the Clerk or Clerks, Treaſurer or Treaſurers, of the ſaid Truſtees for the Time being, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Three Truſtees may appoint temporary Collectors;

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond, abſent, or miſbehave himſelf, any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this or the ſaid Acts, ſhall and lawfully may diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding, or abſenting himſelf, or miſbehaving; and in ſuch Caſe, and alſo in caſe any ſuch Collector or Receiver ſhall die, ſuch Truſtees ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the

diſcharge thoſe miſbehaving, and appoint others till next Meeting.

the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver as ſhall die or be diſcharged; and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon who ſhall die or be diſcharged would have had or would have been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office by virtue of this or the ſaid recited Acts, or the Wife or Widow or any of the Children, Family, or other Repreſentative or Repreſentatives of any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office, or the Wife or Widow, or any of the Children, Family, or other Repreſentative or Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building erected on the ſaid Roads, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting, or by their Clerk or Clerks, Treaſurer or Treaſurers, for the Time being, then and in any the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any One or more of them, or ſuch new-appointed Collector or Receiver, into the Poſſeſſion thereof.

Truſtees being Juſtices of the Peace may act as Juſtices in the Execution of this and the former Acts, if not perſonally intereſted.

XIII. And be it further enacted, That all and every the Truſtees appointed by virtue of this or the ſaid former Acts, as are or ſhall or may be Juſtices of the Peace in and for the Counties of *Lincoln* or *Nottingham* reſpectively, ſhall and may act as Juſtices of the Peace in the Execution of the ſaid former Acts or this Act, or in any Matter or Thing to be done in purſuance thereof or relating thereto, except only in ſuch Caſes where they ſhall be perſonally intereſted; but ſuch Juſtices ſhall not be deemed perſonally intereſted on Account of their being Creditors of the Tolls and Duties ariſing upon the ſaid Roads, or having any Aſſignment or Security of ſuch Tolls and Duties.

Penalty for offering baſe Coin in Payment, and for Miſbehaviour in Toll Bar Keepers.

XIV. And be it further enacted, That if any Toll Bar Keeper or Keepers, or any Receiver or Receivers, Collector or Collectors, Farmer or Renter of the Tolls and Duties granted by the ſaid former Acts and this Act, or any of them, his or their Servants, Agents, or Aſſiſtants, ſhall make uſe of any indecent, abuſive, ſcurrilous, or blaſphemous Language, to any Perſon or Perſons travelling upon the ſaid Roads, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling upon the ſaid Roads, then and in any or either of ſuch Caſes it ſhall be lawful for any One of His Majeſty's Juſtices of the Peace for the County, Diſtrict, or Place, wherein any ſuch Offence ſhall be committed, upon the Complaint of the Perſon or Perſons againſt whom ſuch Offence ſhall be committed, to cauſe ſuch Toll Bar Keeper or Keepers, Receiver or Receivers, Collector or Collectors, his or their Servants, Agents, or Aſſiſtants, ſo offending, and other Perſon or Perſons concerned, to appear and be brought before ſuch Juſtice, by Warrant or Summons under his Hand

and

and Seal, and to make Inquiry of and concerning such Offence or Offences in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of the Person or Persons aggrieved, upon Oath (which Oath such Justice is hereby empowered and required to administer); and if such Toll Bar Keeper or Keepers, Receiver or Receivers, Collector or Collectors, or other Person or Persons concerned, or any of them, shall be convicted by such Justice of any such Offence, such Person or Persons so convicted shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings nor less than Ten Shillings, at the Discretion of the Justice of the Peace before whom he or they shall be so convicted, together with all reasonable Charges and Expences attending such Conviction, such Penalties to be applied and laid out for and towards the repairing and amending the said Roads; and in case such Penalty or Penalties shall not be forthwith paid, together with such Charges and Expences as aforesaid, such Justice of the Peace shall commit such Person or Persons to the House of Correction, there to remain, without Bail or Mainprize, for any Space of Time not exceeding Two Calendar Months nor less than Twenty Days, unless such Penalty or Penalties, and all reasonable Charges and Expences, shall be sooner paid.

Directing the Application of Compensation Money where exceeding 200*l.*

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, 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 Messuages, Lands, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined 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 Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated

or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation Money when leſs than 200*l.* and above 20*l.*

XVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands 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 Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid (at the like Option), to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Truſtees for executing the ſaid Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Money is leſs than 20*l.*

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

In caſe of not making out Titles;

XVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Acts or this Act, 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 ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them,

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

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

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

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, *etc.* at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XX. Provided always, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this or the ſaid Acts, 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,

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

Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees may ſue or defend in the Name or Names of their Clerk or Clerks.

XXI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers; and that no Action or Suit to be brought by or againſt the ſaid Truſtees, or any of them, by virtue or on Account of this or the ſaid former Acts, in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, Treaſurer or Treaſurers, or by the Act of ſuch Clerk or Clerks, Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk or Clerks, Treaſurer or Treaſurers, for the Time being, to the ſaid Truſtees, ſhall always be deemed the Plaintiff or Plaintiffs, Defendant or Defendants, in ſuch Action, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Clerks, Treaſurer or Treaſurers, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of the ſaid Acts or this Act, all ſuch Coſts and Charges, Damages and Expences, as by the Event of any ſuch Proceedings he or they ſhall be put to or become chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants therein.

Such Clerk or Clerks to be reimburſed.

Penalties and Forfeitures how to be recovered and applied.

XXII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof is not herein or by the ſaid recited Acts otherwiſe directed) ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County of *Lincoln* or *Nottingham* (as the Caſe may be) or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward,) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied (if not otherwiſe directed to be applied by this Act or the ſaid recited Acts) ſhall be from Time to Time paid to the Treaſurer or Treaſurers of the ſaid Truſtees, and applied in the Repairs of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correction of the County or Place where the Offender ſhall be or reſide, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months nor leſs than Fourteen Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

XXIII. And

Constables, *etc.* to execute Orders of the Trustees.

XXIII. And be it further enacted, That if any High Constable, Petty Constable, Headborough Tything Man, or other Person whomsoever, duly authorized for that Purpose, shall willingly, knowingly, or contemptuously, neglect or refuse to obey and execute any Summons or other Precept in Writing, under the Hands and Seals of any Five or more of the Trustees for putting this or the said recited Acts in Execution, every such Person so authorized, offending in the Premises, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing the said Roads, which said Penalty shall be levied on such Person or Persons, in the same Manner as the other Penalties and Forfeitures are by this Act or the said recited Acts directed to be levied; and the said Trustees may and are hereby empowered to direct the Treasurer for the Time being to reimburse such Constable, or other Officer or Officers, for his or their Loss of Time, Trouble, or other necessary Expences, in the due Execution of his or their Duty, in pursuance of this or the said recited Acts, such Sum or Sums of Money as such Trustees shall think fit, out of the Monies to arise by virtue of the said Acts and this Act.

Trustees may reimburse such Constables.

XXIV. And, for the more easy and speedy Conviction of Offenders against this Act or the said recited Acts, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act or the said recited Acts, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any Form of Words to the same Effect:

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of His Majesty's
'Reign, *A. B.* is convicted before of His
'Majesty's Justices of the Peace for the County of
'[*specifying the Offence, and Time and Place when and where the same was*
'*committed, as the Case shall be*]. Given under our Hands and Seals, the
'Day and Year aforesaid.'

Persons aggrieved may appeal to the Quarter Sessions.

XXV. Provided always, and it is hereby further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this or the said recited Acts, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Three Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded by the said Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties

ties appealing or appealed againſt, as the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Proceedings not to be quaſhed for want of Form.

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

Proceedings to be entered in Books, and produced in Evidence.

XXVII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees at their ſeveral Meetings ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered and ſigned by a competent Number of the ſaid Truſtees, as the Caſe ſhall require, or by their Clerk by their Order, ſhall be deemed to be Originals, and ſuch Book or Books ſhall be admitted as Evidence in all Courts whatſoever.

For paying the Expences of the Act.

XXVIII. And be it further enacted, That the Charges and Expences of obtaining and paſſing of this Act ſhall be paid out of any Monies already raiſed or received by virtue of the ſaid former Acts, or out of the Firſt Monies to be received by virtue of the ſaid Acts and this Act, in preference to all other Payments whatſoever.

Publick Act.

XXIX. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Term of this Act.

XXX. And be it further enacted, That the Term of the ſaid recited Acts ſhall, upon the paſſing of this Act, ceaſe and determine; and that the ſaid former Acts (ſubject as herein-before is mentioned) and this Act ſhall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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