ANNO SEPTIMO

GEORGII IV. REGIS.

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'*the County of* Nottingham;' *and for repairing the Road from the West Side of* Newark Bridge *to the said Guide Post:* And whereas an Act was passed in the Forty-fourth Year of the Reign of His late Majesty King
44 G. 3. c. 14. *George* the Third, intituled *An Act for continuing the Term 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:* And whereas the Trustees appointed in and by virtue of the said recited Acts have proceeded in the Execution thereof, and have borrowed several Sums of Money upon the Credit of the Tolls authorized by the said recited Acts to be demanded and taken, which Money cannot be paid off, nor can the said Roads be kept in sufficient Repair, unless the Term granted and continued by the said Acts be further continued; and it would be more convenient if the said recited Acts were repealed, and further, better, and more effectual Powers and Provisions granted for improving, widening, and keeping in repair the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the
3 G. 4. c. 126. Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of
4 G. 4. c. 95. the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed
5 G. 4. c. 69. in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* 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 from and after the Third *Tuesday* next after the passing of this Act, the said recited Acts passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, and of the Twenty-second and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and instead thereof this Act shall commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, widening, and keeping in repair the Roads herein-after mentioned; (that is to say), the Roads from a Place called *Littlegate*, at the Top of *Leadenham Hill*, in the County of *Lincoln*, to *Newark-upon-Trent*, and from *Newark-upon-Trent* to *Mansfield*, and from *Southwell* to the South End of the Town of *Oxton*, in the County of *Nottingham*.

Recited Acts of 32 G. 2. 22 & 44 G. 3. repealed, and this Act to take effect.

Powers of recited Acts 3, 4, & 5 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act of the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts

thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to former Debts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Acts of the Thirty-second Year of the Reign of His Majesty King *George* the Second, and the Twenty-second and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, or any of them, to be taken at the several Turnpikes, Toll Gates, and Side Gates erected upon and across or on the Sides of any Part of the said Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act.

Bonds, &c. under former Acts to be good under this Act.

IV. And be it further enacted, That all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with the Clerk or Treasurer or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements, Demises, Mortgages, or Securities, duly made or entered into by the said Trustees, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms and Stipulations and Tenor thereof respectively, notwithstanding the Repeal of the said recited Acts; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Books kept under former Acts to be Evidence.

V. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Persons employed under former Acts

VI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of

to account to Trustees of this Act.

of the said Roads, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees appointed for carrying this Act into Execution, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Parts of *Kesteven* in the County of *Lincoln*, and for the County of *Nottingham*, and the Justices of the Peace for the Liberty of *Southwell* and *Scrooby* in the said County of *Nottingham* respectively, together with the Right Honourable *William Cavendish Bentinck* commonly called Lord *William Bentinck*, the Right Honourable *Charles Cavendish Bentinck* commonly called Lord *Charles Bentinck*, the Right Honourable *Frederick Cavendish Bentinck* commonly called Lord *Frederick Bentinck*, Sir *John Hayford Thorold* Baronet, Sir *Thomas Whichcote* Baronet, Sir *Robert Howe Bromley* Baronet, Sir *Jenison William Gordon* Baronet, Sir *Richard Sutton* Baronet, Sir *Robert Heron* Baronet, Sir *William Earle Welby* Baronet, *Charles Allix*, *Charles Allix* the younger, *William Ashton*, *Matthew Ashton*, *James Fox Adamson*, *Robert Buck* Doctor of Physic, *Thomas Hudson Brock* Doctor of Physic, *Peter Pegge Burnell*, *Samuel Ellis Bristowe*, *John Brettle*, *Henry Becher*, *John Drake Becher*, *Cranfield Becher*, *William Hodgson Barrow*, *George William Barrow*, *Richard Bridgman Barrow*, *William Bailey*, *William Barrow* Doctor of Laws, *Richard Barrow* Clerk, *Thomas Still Basnett* Clerk, *John Thomas Becher* Clerk, *Sherard Becher* Clerk, *William Brodhurst*, *William Brodhurst* the younger, *John Edward Brodhurst*, *Henry Boman Bacon* Clerk, *Henry Brodhurst*, *Thomas Bland*, *Thomas Beevor* Clerk, *John Beevor*, *Abraham Beevor*, *Joshua Brooke* Clerk, *Francis Brown*, *Francis Brown* the younger, *John Brown*, *Joseph Burt*, *John Burt*, *Abraham Booth*, *Joseph Blandford* Clerk, *Thomas Brown* Clerk, *William Bartlett* Clerk, the Honourable *Charles Cust*, *John Coke*, *John Coke* the younger, *Henry Chaplin* Clerk, *John Charles Lucas Calcraft*, *Charles York Lucas Calcraft*, *John Neville Calcraft*, *Henry Coape*, *Charles Fynes Clinton* Doctor of Laws, *Henry Fynes Clinton*, *Clinton James Fynes Clinton*, *Thomas Coates Cane* Clerk, *Robert Chaplin* Clerk, *William Claye* Clerk, *William Cheetham*, *William Waldegrave Pelham Clay*, *James Cousins*, *Robert Caparn*, *James Dyson*, *Henry John Desborough* Clerk, *Robert Eden* Clerk, *Edward Elmerst*, *Thomas Foster*, *James Foottit* Clerk, *Charles Fowler* Clerk, *Robert Hodgson Fowler* Clerk, *Evelyn Richard Sutton Falkner*, *Robert Thomas Forster*, Sir *Henry Fane* K.C.B., *Henry Fane* the younger, *Vere Fane*, *Edward Fane* Clerk, *William Forster*, *Richard Fisher*, *William Fillingham*, *Thomas Fisher*, *John Fox*, *John Gilbert*, *Cooper Gardiner*, *Isle Grant*, *Henry Gilbert*, *Edward Smith Godfrey*, *Thomas Spragging Godfrey*, *Edward Thoroton Gould*, *John Guthrie* Clerk, *William Farnworth Handley*, *Benjamin Handley*, *Henry Handley*, Major *Benjamin Handley*, *John Handley*, *John Handley* the younger, *Philip Handley*, *Robert Hall* Clerk, *John Hole*, *Henry Houson* Clerk, *Henry Houson* the younger, Clerk, *Henry Hawley*, *George Hodgkinson*, *William Houldsworth*, *Benjamin*

Benjamin Hutchinson, John Hutchinson, Samuel Hurt, Jeffery Hall, Francis Hall, John Heath, James Heygate, Charles Hurt, Henry Hollins, Thomas Blackburn Hildyard, Robert Holden, George William Hutton, William Hilton, Robert Hilton, George Hodgkinson of *Newark, John Huddlestone, Daniel Hebb, Samuel Jenkins, Charles Henry Jenkins, John Jalland, Boswell Middleton Jalland, John Armstrong Jackson, Robert Kelham Kelham, William Key* Clerk, *Clifford King, John King* Clerk, *John Leacroft, Edward Walter Lowe* Clerk, *William Leeson, James Prior Lacy, William Swymmer Leacroft, Sherbrooke Lowe, Edmund Milner, James Maltby, Charles Moor, Robert Moody, Robert Moody* Clerk, *John Milnes, John Milnes* the younger, *George Manners, Charles Mainwaring, Bryan Millington, Francis Musson, Audley Muxlow, Joseph Morley, Richard Milward, John Milward, Thomas Milward, Christopher Neville, John Orm Norton, George Nichols, Henry Neville* Clerk, *Vincent Newton, John Need, Samuel William Need,* Major-General *Need, Charles Neale, Samuel Oldacre* Clerk, *Garrett Ordoyno, Roger Pocklington, Roger Pocklington* the younger, *Joseph Pocklington, James Patterson, John Ponton, Philip Palmer, Philip Palmer* Clerk, *Hussey Packe, Charles Thomas Plumptre, Henry Western Plumptre, John Porter, John Parsons* the younger, *William Parker, John Reeve, John Reeve* the younger, *William Key Reeve, Richard Robinson, George Robinson, William Rastall* Clerk, *Robert Rastall* Clerk, *Henry Rastall, Frederick Manners Sutton, Thomas Stansall, Joseph Sikes* Clerk, *Thomas Manners Sutton, William Readett John Stephenson, Samuel Sketchley, Samuel Sketchley* the younger, *John Swann* Clerk, *John Sadler Sheppard, John Staunton* Doctor of Laws, *Charles Staunton, William Shield, John Sutton, Richard Sutton, Charles Smith, John Sheppard, Tuffin Sheppard, William Sherbrooke, Frank Sotheron, Henry Stenton, Thomas Trebeck, John Thorold, Henry Thorold, William Tomlinson, James Tomlinson, James Thorpe, James Thorpe* the younger, *William Edward Tallents, Richard Welby, John Burdett Wittenoom* Clerk, *Edward Werge, Thomas Wright, Joseph Bankes Wright, William Wylde, John Charles Wylde, Robert Henry Wylde, Thomas Whichcote* the younger, *George Whichcote* the younger, *Glyn Welby, Thomas Welby, Charles Welby, Adlard Welby, George Woodcock* Clerk, *Francis Wakefield, Thomas Walker, Robert Watson, William Wilkinson,* and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed the Trustees for carrying the said Acts and this Act into Execution.

Appointing additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or Second Meeting to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of fit Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty King *George* the Fourth, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, and being qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, as if they had been named and appointed in and by this Act.

Meetings of the Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Rutland Arms Inn*, or at some other convenient House or Place in *Newark-upon-Trent* aforesaid, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Old Officers (except the Treasurer) to continue until removed.

X. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under and by virtue of the said recited Acts hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty or this Act.

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any Treasurer or Treasurers shall hold or accept any Office or Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to continue or erect Turnpikes.

XII. And be it further enacted, That the said Trustees shall and may either continue or remove all or any of the present Turnpikes and Toll Gates which now stand across or on the Sides of the said Roads, and

set up in lieu thereof, or in addition thereto respectively, one or more Turnpike or Turnpikes, Toll Gate or Toll Gates, upon, across, or on the Sides of any Part of the said Roads, or any of them, and erect or cause to be erected such Toll Houses, with suitable Outbuildings thereto, and inclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, as they may judge proper; and shall and may cause all or any of such Turnpikes or Toll Gates and Toll Houses from Time to Time to be taken down and set up again, and to be removed or altered and placed in such other Situations upon, across, or on the Sides of the said Roads, or any of them, as they shall judge proper.

Power to take Tolls.

XIII. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, which is now set up and continued, or which shall hereafter be set up across and by the Sides of the said Roads, or any of them, by each and every such Person and Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse or other Beast, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage shall be permitted to pass through any Turnpike, Toll Gate, Side Gate, or Side Bar; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Berlin, Barouche, Phaeton, Sociable, Chaise, Chariot, Calash, Hearse, Litter, Vis-a-vis, Curricle, Gig, Car, Whiskey, Caravan, Chair, Taxed Cart, or other Carriage of the like kind, if drawn by Three Horses or Beasts, or by Five or more Horses or Beasts, the Sum of Four-pence; and if drawn by Four Horses or Beasts, the Sum of Four-pence Halfpenny; and if drawn by less than Three Horses or Beasts, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like kind, having the Fellies of the Wheels thereof of the Width or Breadth of Six Inches or upwards, if drawn by Six or more Horses or Beasts, the Sum of Three-pence; and if drawn by Five Horses or Beasts, or by One Horse or Beast only, the Sum of Four-pence; and if drawn by Four Horses or Beasts, or by Two Horses or Beasts, the Sum of Four-pence Halfpenny; and if drawn by Three Horses or Beasts, the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like kind, having the Fellies of the Wheels thereof of the Width or Breadth of Four Inches and a Half and less than Six Inches, if drawn by Six or more Horses or Beasts, the Sum of Four-pence; and if drawn by Five Horses or Beasts, or by One Horse or Beast only, the Sum of Five-pence; and if drawn by Four or by Two Horses or Beasts, the Sum of Sixpence; and if drawn by Three Horses or Beasts, the Sum of Sixpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like kind, having the Fellies of the Wheels thereof of less Width or Breadth than Four Inches and a Half, if drawn by Five or more Horses or Beasts, or by One Horse or Beast only, the Sum of Sixpence; and if drawn by Four or by Two Horses or Beasts, the

the Sum of Seven-pence; and if drawn by Three Horses or Beasts, the Sum of Eight-pence:

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

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for a greater or less Number:

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

For every Horse drawing any Carriage laden with any Mill Stone or Mill Stones, the Sum of Sixpence:

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Tolls payable Once a Day.

XIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken more than Once in any one Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, for or in respect of the same Carriages, Horses, Beasts, or Cattle, for passing or repassing through the same Turnpike, on a Note or Ticket being produced denoting Payment of such Toll for or in respect of such Carriages, Horses, Beasts, or Cattle, on that Day (except in the Cases herein-after mentioned); which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Toll.

Limiting the Amount of Tolls to be taken.

XV. Provided also, and be it further enacted, That no more than One full Toll and Two Third Parts of One other full Toll, in addition thereto, shall be demanded or taken for or in respect of any Horse, Cattle, Beasts, and Carriages passing and repassing on the same Day (such Day to be computed as aforesaid) through all or any of the Turnpike Gates erected or to be erected across and on the Sides of the said Road from the Top of *Leadenham Hill* to *Newark-upon-Trent* aforesaid; nor more than One full Toll and Two Third Parts of One other full Toll, in addition thereto, for passing through all or any of the Turnpike Gates 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 full Toll and Two Third Parts of One other full Toll, in addition thereto, for passing through all or any of the Turnpike Gates 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*; but after such respective Tolls as aforesaid shall have been paid, such Horse, Cattle, Beasts, and Carriages shall, during the Remainder of such Day, pass Toll-free through all the Turnpike Gates across and on the Sides of such Part of the said Roads respectively as aforesaid, whereon such Tolls shall be paid, upon producing a Note or Ticket denoting the Payment of such Toll, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of the Toll: Provided always, that it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby

hereby granted, or any Part or Parts thereof, in or towards the Repairs of any of the Streets in the Towns of *Newark-upon-Trent* and *Mansfield* aforesaid, or either of them.

Stage Coaches, &c. to pay for each Time of passing.

XVI. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, carrying or conveying Passengers or Goods for Pay, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day (to be computed as aforesaid) through the same Turnpike, Toll Gate, or Toll Bar, the Tolls hereby made payable shall be paid for every Time of passing and repassing through such Turnpike, Toll Gate, or Toll Bar, in like Manner as if no Toll had been before paid thereat; and the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day (to be computed as aforesaid) as often as a fresh Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

Horses having passed through a Gate, and returning drawing a Carriage, the Toll paid on them to be deducted.

XVII. Provided also, and be it further enacted, That where any Horse or Horses shall pass through any Turnpike Gate on the said Roads, not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or within Eight Hours after their first passing through such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall, in the whole, be taken than if such Horse or Horses had in the first Place passed through such Turnpike Gate drawing the said Carriage.

Application of Tolls.

XVIII. And be it further enacted, That the Tolls to be taken by virtue of this Act at all and every of the Toll Gates erected or continued or to be erected upon, across, or on the Sides of the said Roads, from the Top of *Leadenham Hill* to *Newark-upon-Trent* aforesaid, constituting the Eastern District of the said Roads hereby directed to be kept in repair as aforesaid, and the Monies hereafter to be borrowed on the Credit of the said Tolls of the said Roads in the said Eastern District, shall, in the first Place, be applied in paying Five Eleventh Parts of all Expences incurred in and relating to the obtaining and passing of this Act; and in the next Place, in paying and defraying the Interest of Five Eleventh Parts of the Monies which have been borrowed in pursuance of and for the Purposes of the said Acts hereby repealed, and which are now due and owing on the Credit of the Tolls of all the said Roads hereby directed to be kept in repair, and in the paying and defraying of the whole of the Interest from Time to Time to grow or become due for or in respect of any Monies hereafter to be borrowed by the said Trustees upon the Credit of the Tolls of the said Road in the said Eastern District, and in defraying the Expences of erecting, removing, or keeping in repair the Toll Gates and Toll Houses upon or by the Side of the said Road in the said Eastern District, of altering, widening, diverting, repairing, and preserving the same Road, and otherwise executing the other Purposes of the said recited Acts of the Third and Fourth Years of the Reign of His said present

present Majesty and this Act in relation to the same Road in the said Eastern District, and in reducing, paying off, and discharging Five Eleventh Parts of the several Principal Sums of Money which, in pursuance and for the Purposes of the said Acts hereby repealed, have been borrowed and are now due and owing upon the Credit of the Tolls of all the said Roads hereby directed to be kept in repair, and in reducing, paying off, and discharging the whole of the several Principal Sums which may be hereafter borrowed and secured by virtue of this Act upon the Credit of the Tolls of the said Road in the said Eastern District; and the Tolls to be taken by virtue of this Act at all and every of the Toll Gates erected or continued or to be erected upon, across, or on the Sides of the said Roads from *Newark-upon-Trent* to *Mansfield*, and from *Southwell* to the South End of the Town of *Oxton* aforesaid (constituting the Western District of the said Roads by this Act directed to be kept in repair as aforesaid), and the Monies hereafter to be borrowed on the Credit of the said Tolls of the said Roads in the said Western District, shall, in the first Place, be applied in paying Six Eleventh Parts of all Expences incurred in and relating to the obtaining and passing of this Act, and in the next Place in paying and defraying the Interest of Six Eleventh Parts of the Monies which, in pursuance and for the Purposes of the said Acts hereby repealed, have been borrowed and are now due and owing on the Credit of the Tolls of all the Roads hereby directed to be kept in repair, and in the paying and defraying of the whole of the Interest from Time to Time to grow or become due for or in respect of any Monies hereafter to be borrowed by the said Trustees upon the Credit of the Tolls of the said Roads in the said Western District, and in defraying the Expences of erecting, removing, or keeping in repair the Toll Gates and Toll Houses upon or by the Side of the said Roads in the said Western District, and of altering, widening, diverting, repairing, and preserving the same last-mentioned Roads or any of them, and otherwise executing the other Purposes of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act in relation to the same Roads in the said Western District, and in reducing, paying off, and discharging Six Eleventh Parts of the several Principal Sums of Money which, in pursuance and for the Purposes of the said Acts hereby repealed, have been borrowed and are now due and owing upon the Credit of the Tolls of all the said Roads hereby directed to be kept in repair, and in reducing, paying off, and discharging the whole of the several Principal Sums which may be hereafter borrowed and secured by virtue of this Act upon the Credit of the Tolls of the said Roads in the said Western District.

Power to borrow Money on the Tolls of the Eastern District.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising on the said Road in the said Eastern District (but subject and without Prejudice to any Mortgage or Mortgages, Security or Securities, now existing or hereafter to be granted, of the Tolls of all the said Roads hereby directed to be kept in repair, for or in respect of any Sum or Sums of Money now due and owing on the Credit thereof), such Sum or Sums of Money as they the said Trustees shall from Time to Time think proper, and to demise and mortgage the Tolls of or arising upon the said Road in the said Eastern District, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same (the Costs

and Charges of which Mortgages shall be paid out of the said Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money; which Mortgage or Mortgages shall be in the Words or to the Effect in that Behalf set forth in the said recited Act of the Third Year of the Reign of His present Majesty, but with such Variations as shall be necessary, or be thought requisite, to render the same subject and without Prejudice to the Mortgage or Mortgages, Security or Securities, now existing or hereafter to be granted, of the Tolls of all the said Roads hereby directed to be kept in repair, for or in respect of any Sum or Sums of Money now due and owing in respect thereof; and so as that the Mortgage or Mortgages to be made of the Tolls of the said Road in the said Eastern District shall be of such Proportion thereof only as the Sum advanced by the Mortgagee or Mortgagees shall bear to the whole Sum hereafter to become due and owing on Security of the said Tolls of the said Road in the said Eastern District exclusively, without Reference to the Amount of the Monies which may hereafter be borrowed on Security of the Tolls of the Roads in the Western District, pursuant to the Power in that Behalf next herein-after contained.

Power to borrow Money on Tolls of the Western District.

XX. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising or to arise on the said Roads in the said Western District (but subject and without Prejudice to any Mortgage or Mortgages, Security or Securities, now existing or hereafter to be granted, of the Tolls of all the said Roads hereby directed to be kept in repair, for or in respect of any Sum or Sums of Money now due and owing in respect thereof), such Sum or Sums of Money as they the said Trustees shall from Time to Time think proper; and to demise and mortgage the Tolls of or arising upon the said Roads in the said Western District, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same (the Costs and Charges of which Mortgages shall be paid out of the said Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money; which Mortgage or Mortgages shall be in the Words or to the Effect in that Behalf set forth in the said recited Act of the Third Year of the Reign of His present Majesty, but with such Variations as shall be necessary, or be thought requisite, to render the same subject and without Prejudice to the Mortgage or Mortgages, Security or Securities, now existing or hereafter to be granted, of the Tolls of all the said Roads hereby directed to be kept in repair, for or in respect of any Sum or Sums of Money now due and owing in respect thereof; and so as that the Mortgage or Mortgages to be made of the Tolls of the said Roads in the said Western District shall be of such Proportion thereof only as the Sum advanced by the Mortgagee or Mortgagees shall bear to the whole Sum hereafter to become due and owing on Security of the said Tolls of the said Roads in the said Western District exclusively, without Reference to the Amount of the Monies which may hereafter be borrowed on Security of the Tolls of the Road in the aforesaid Eastern District, pursuant to the Power in that Behalf herein-before contained.

Trustees empowered to borrow Money

XXI. And be it further enacted, That in case the said Trustees shall at any Time or Times be desirous to pay off any Principal Sum or Sums of

Money to pay off existing Securities.

Money advanced under the said Acts hereby repealed, or any of them, it shall be lawful for the said Trustees, and they are hereby empowered, to borrow such Sum or Sums of Money as may be required for that Purpose, of any Person or Persons willing to advance the same, upon such Terms and Conditions as the said Trustees shall, under the Circumstances of any such Case, deem expedient; and it shall be lawful for the said Trustees from Time to Time to grant fresh Securities and Mortgages of the Tolls of or arising upon all the said Roads hereby directed to be kept in repair, either for the Purpose last aforesaid, or in lieu or in the Place of any Security or Securities now existing, for any Sum or Sums of Money due and owing on Security of the Tolls of all the said Roads, to any Person or Persons who may be desirous of having or accepting such new Security or Securities, in such and the like Manner, and under such and the same Regulations, and by such or the like Form of Mortgage as is set forth in the said recited Act of the Third Year of the Reign of His present Majesty, provided that such fresh Mortgage or Mortgages may, in point of Form and Effect, be made with such Variations as the Circumstances of the Case shall render proper, or as shall be necessary or be thought requisite to give the same Priority over any Mortgage or Mortgages to be made for the Security of any Sum or Sums of Money hereafter to be borrowed exclusively on Credit of the Tolls, either of the Road in the said Eastern District or of the Roads in the said Western District, pursuant to the Powers in that Behalf herein-before respectively contained; and so as such fresh Mortgage or Mortgages may be made of such Proportion of the Tolls of all the said Roads hereby directed to be kept in repair, as the Sum to be thereby secured shall bear to the whole Sum now due and owing on the Security of the said Tolls of all the said Roads hereby directed to be kept in repair, and without Reference to any Monies which may hereafter be borrowed on Security of the Tolls of the respective Road or Roads in the said respective Districts, in pursuance of the Powers in that Behalf herein-before contained: Provided also, that upon the granting of any such fresh Mortgage or Mortgages, for or in respect of any Monies now due and owing upon the Credit of the Tolls of all the said Roads, whether the same shall be to any Person or Persons already entitled to the Money to be secured thereby, in lieu of the Security or Securities then held by him, her, or them, or whether the same shall be to any other Person or Persons advancing Money for the Discharge or Satisfaction of such former Security or Securities, the former Mortgage or Mortgages, Security or Securities, in lieu or in respect of which the said fresh Mortgage or Mortgages shall be so given, shall be delivered up to the said Trustees, or be cancelled or released; and it shall not be lawful for the said Trustees to make any fresh Mortgage or Mortgages of the Entirety of all the Tolls of all the said Roads hereby directed to be kept in repair, other than and except for the Purposes last herein-before mentioned; but all other Monies hereafter to be borrowed for the Repairs of the said several Roads or any of them, or for the carrying this and the said recited Acts of the Third and Fourth Years of His present Majesty's Reign into Execution in respect thereof, shall be borrowed and secured upon the Tolls of the said respective Eastern and Western Districts of the said Roads, in manner in that Behalf herein-before authorized and directed, and not otherwise.

XXII. Pro-

Provision in case a larger Proportion of Money is levied on the Eastern or Western District.

XXII. Provided always, and be it further enacted, That in case the said Trustees shall at at any Time hereafter be compelled to pay, or if there shall be paid out of, or levied upon the Tolls of the said Road in the said Eastern District, any greater or larger Proportion than Five Eleventh Parts of the Principal Monies now due and owing on Security of the Tolls of all the said Roads, or of the Interest due or to grow due in respect thereof, then it shall be lawful for the said Trustees, and they are hereby required, by and out of the first Tolls or other Monies which may thereafter come to their Hands, or arise upon or from the said Roads in the said Western District, to pay to the Treasurer, and to the Credit of the Account of the said Eastern District, so much Money as shall have been paid by or out of the Tolls of the said Road in the same Eastern District over and above the Proportion aforesaid; and in like Manner, in case the said Trustees shall at any Time hereafter be compelled to pay, or there shall be paid out of or levied upon the Tolls of the said Roads in the said Western District, any greater or larger Proportion than Six Eleventh Parts of the Principal Monies now due and owing on Security of the Tolls of all the said Roads, or of the Interest due or to grow due in respect thereof, then it shall be lawful for the said Trustees, and they are hereby required, by and out of the first Tolls or other Monies which may thereafter come to their Hands, or arise upon or from the said Road in the said Eastern District, to pay to the Treasurer, and to the Credit of the Account of the said Western District, so much Money as shall have been paid by or out of the Tolls of the said Roads in the said Western District over and above the Proportion aforesaid.

Application of Compensation Money when amounting to 200*l.*

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court; and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 to be 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 Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments

1 G. 4. c. 35.

standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* but amounting to 20*l.*

XXIV. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, 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 the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Where less than 20*l.*

XXV. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased 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

their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c. the Money to be paid into the Bank.

XXVI. And be it further enacted, That in case the Person or Persons to whom such 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 Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and 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 the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

XXVII. 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 Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any 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; and the Dividends or Interest of the said 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.

XXVIII. And

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

XXVIII. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, 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 such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

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

Term and Continuance of this Act.

XXX. And be it further enacted, That this Act shall commence and take effect from the Third *Tuesday* next after the passing thereof, and shall 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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