ANNO TERTIO

GEORGII IV. REGIS.

Cap. x.

An Act for continuing the Term, and altering, amending, and enlarging the Powers of several Acts passed for repairing the Roads from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Newhaven*; and from the *Four Lane Ends*, near *Oakerthorpe*, to *Ashbourne*; and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith*, at or near *Longston* in the County of *Derby*; and from *Selstone* to *Annesley Wodehouse* in the County of *Nottingham*. [3d *April* 1822.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from* Chappel Bar, *near the West End of the Town of* Nottingham, *to* Newhaven, *and from the* Four Lane Ends *near* Oakerthorpe *to* Ashbourne, *and from the Cross Post on* Wirksworth Moor, *to join the Road leading from* Chesterfield, *to* Chapel-en-le-Frith *at or near* Longston *in the County of* Derby, *and from* Selston *to* Annesley Woodhouse *in the County of* Nottingham, which Roads were by the said Act divided into Four several Districts: And whereas an Act 32 G. 2. c. 38.

was passed in the Twentieth Year of the Reign of His late Majesty
20 G. 3. c. 74. King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act, made 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 Chappel Bar, near the West 'End of the Town of Nottingham, to Newhaven, and from the Four 'Lane Ends near Oakerthorpe to Ashbourne, and from the Cross 'Post on Wirksworth Moor, to join the Road leading from Chester-'field to Chapel-en-le-Frith, at or near Longston in the County of 'Derby, and from Selston to Annesley Woodhouse in the County of 'Nottingham:' And whereas an Act was passed in the Fortieth Year of the Reign of His said late Majesty King *George* the Third, inti-
40 G. 3. c. 45. tuled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, made in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Roads from* Chappel Bar, *near the West End of the Town of* Nottingham, *to* Newhaven, *and from the* Four Lane Ends *near* Oakerthorpe *to* Ashbourne, *and from the Cross Post on* Wirksworth Moor, *to join the Road leading from* Chesterfield *to* Chapel-en-le-Frith, *at or near* Longston *in the County of* Derby, *and from* Selston *to* Annesley Woodhouse *in the County of* Nottingham: And whereas the Trustees for executing the said several recited Acts have made great Progress in repairing the Roads thereby directed to be repaired, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said several Districts of Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term granted and continued by the said recited Acts be further continued, some of the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls increased upon the Roads lying between the *Four Lane Ends* near *Oakerthorpe* to *Ashbourne*, and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith*, at or near *Longston* in the said County of *Derby*, being the Second and Third Districts of Roads mentioned in the said Acts; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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,

Said Acts further continued.

That the said recited Acts, passed in the Thirty-second Year of the Reign of His said Majesty King *George* the Second, and the Twentieth and Fortieth Years of the Reign of His said late Majesty King *George* the Third, and all the Clauses, Tolls (except the Tolls on the Second and Third Districts of Road as herein-after mentioned), and all the Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein respectively contained (except so far as the same are varied, altered, or repealed, and also except such as relate to Exemptions from Stamp Duties), shall be and continue in full Force and Effect, and together with this Act shall be put in

Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this Act; which said additional Term, and the Tolls hereby granted, shall 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 of the Tolls and Duties arising upon the said several and respective Districts of Roads, and of such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes of the said recited Acts and of this Act, and all Interest due and to grow due for the same respectively.

Additional Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said respective Counties of *Nottingham* and *Derby*, together with *Lewis Allsopp*, *Alexander Atkinson*, *George Allcock*, *William Ashby Ashby*, *Richard Arkwright*, *Richard Arkwright* the younger, *Robert Arkwright*, *Peter Arkwright*, *John Arkwright*, *Charles Arkwright*, *Joseph Arkwright* Clerk, *Henry Ashby*, *John Alsop*, *Luke Alsop*, *Thomas Armstrong*, *James Abercromby*, *John Alsop* the younger, *John Andrew*, *Frederick Arkwright*, *Shukbrugh Ashby*, *James Amys*, *Alexander Bossley*, *George Bossley* Clerk, *John Barker*, *John Barker* Clerk, *John Mellor Brown*, *Robert Birch*, *William Birds*, *John Brown* Clerk, *John Barker* (Burre House), *Thomas Burton*, *William Bradshaw*, *Thomas Bourner Baker*, *William Birkett*, *Lot Beardsley*, *John Buttery*, *Henry Buxton*, *Robert Blackwell* the younger, *Isaac Bennett*, *John Burnside* Clerk, *William Stanford Burnside*, *Thomas Barber*, *Benjamin Bourner*, *Joseph Bourner*, *Thomas Bourner*, *Thomas Bateman*, *William Bateman*, *Edward Barker*, *Jonas Bettison*, *Francis Braithwaite*, *Charles Compton Cavendish*, *Henry Frederick Compton Cavendish*, *Edward Coke D'Ewes Coke*, *John Coke*, *Randolph Carleill*, *John Charge*, *John Cruso*, *John Carr* Clerk, *Christopher Crofts* Clerk, *Thomas Cornthwaite* Clerk, *Robert Cresswell*, *Leonard Chapman* Clerk, *Samuel Dean*, *Thomas Dufty*, *Francis Eyre*, *Thomas Webb Edge*, *William Elliott Elliott*, *John Elliott*, Sir *William Fitzherbert* Baronet, *Alexander Foxcroft*, *James Fletcher*, *Andrew Gideon Fisher*, *Samuel Freeth*, *John Freeth*, *Daniel Freeth*, *Philip Gell*, *Joseph Gratton*, *Charles Gladwin*, *John Greaves*, *William Henry Goodwin*, *Francis Cornelius Goodwin*, *David Gregory*, *William Gordon*, *John Gibson*, *George Gibson*, *John Gill*, *Robert Gill*, *John Gell*, *Thomas Gell*, *Francis Goodwin*, *John Gardom*, *Joseph Graham*, *James Hunloke*, *Robert Holden*, *John Cressy Hall*, *Gervase Cressy Hall*, *Charles Hurt* the younger, *Nathan Hubbersty* Clerk, *George Hopkinson* the younger, *Edward Hurt*, *Daniel Hopkinson*, *George Hepworth*, *John Hurt* Clerk, *Arthur Shipley Heathcote*, *Godfrey Heathcote*, *Charles Hurt* the younger, *Samuel Hall*, *Richard Hurt*, *Stephen Hall*, *Nicholas Edward Hurt*, *Edmund Hodgkinson*, *Samuel Harley*, *James Hurt*, *Nathaniel Hall*, *John Heap*, *Thomas Hall*, *John Hopkinson*, *Robert Holden* the younger, *Philip Hubberstey*, *William Drury Holden*, *Nathan Hubberstey* the younger, *Alexander Atkinson Holden*, *George Holmes* the younger, *Francis Hurt* the younger, *Charles Holden*, *John Hadden*, *Alexander Hadden*, *Emanuel Halton* Clerk, *Francis Hodgson* Clerk, *John Hunt*, *George Hopkinson*, *James Horley*, *Joseph Heath*, *George Holcomb* Doctor

Doctor in Divinity, *Joshua Jebb*, *Robert Johnson*, *William Jessopp*, *Northage James James*, *Henry James*, *Francis Jessopp*, *William Jamson*, *Anthony Jackson*, *Rickards Ince*, *Thomas Knowlton*, *George De Smith Kelly* Clerk, *George Kelly* Clerk, *William Kelly*, *John Wright Killingley*, *Jonas Kewing*, *Thomas Burton Lucas* Clerk, *Bernard Maynard Lucas*, *Symmer William Leacroft*, *Thomas Lomas*, *William Lowe*, *Thomas Mather*, *John Matkin*, *John Milward*, *John Nickleson Martin*, *James Mander*, *William Milnes*, *James Milnes*, *William Millward* the younger, *George Marshall* the younger, *James Marshall*, *William Melland* the younger, *Edmund Gilling Maynard*, *Horatio Mason*, *John Carver Middleton*, *William Melland*, *Thomas Moore*, *Thomas Maltby*, *John Mills*, *William Marsden* Doctor of Medicine, *William Nuthall*, *George Need*, *Robert Nadham*, *Joseph Nightingale*, *Job Nightingale*, *John Nixon*, *Matthew Needham*, *James Nixon*, *Charles Nixon* Clerk, *Samuel Parsons*, *Thomas Poyzer* Surgeon, *Henry Percy*, *John Pepper* Clerk, *Ralph Poyser*, *Israel Poyser*, *George Potter*, *Bower Potter*, *William Robinson*, *William George Richardson*, *Christopher Rolleston*, *Lancelot Rolleston*, *William Riley*, *James Royston*, *Jacob Redfearn*, *John Redfearn*, *Martin Roe*, *James Severn*, *Thomas Smedley*, *Frank Sotheron*, *Robert Shaw*, *Thomas Slater*, *Francis Shaw*, *Richard Smith* Clerk, *John Swann*, *Christopher Swann*, *Octavius Sterland*, *Caractacus D'Aubigny Shilton*, *Gervase Spendlove*, *George Smith*, *William Smith*, *Samuel Simpson*, *James Oldham Swettenham*, *Silas Slater* Clerk, *George Stretton*, *Frederick Shuttleworth*, *Bache Thornhill*, *Henry Thornhill*, *Bache Thornhill* Clerk, *William Thornhill*, *William Turbutt*, *Richard Turbutt* Clerk, *William Taylor*, *James Taylor*, *Thomas Tomlinson*, *Samuel Travis*, *Thomas Travis*, *William Taylor*, *William Trentham*, *John Udale* the younger, *Thomas Wilkinson* Clerk, *John Slater Wilkinson*, *Peter Walthall*, *Richard Walthall*, *Thomas Walthall*, *John Sutton Webster*, *Jasper Wager*, *John Woolley*, *William Wright*, *John Wilson*, *Robert Leck Wortley*, *John Wood* Clerk, *John Wolley* of *Denby*, *Peter Walthall* Clerk, *Thomas Carill Worsley*, *John Woolley* of *Codnor*, *Samuel Woolley*, *Daniel Wilson*, *John Wilson*, *William White*, *Charles Wright*, *John Wilshaw*, *Thomas Wager*, *John Walker*, *Samuel Ward*, *Richard Ward* Clerk, *Robert Wood*, *Hugh Wood*, *Adam Wolley*, *Michael Williams*, *Joseph Wilson*, *William Wright*, *Ichabod Wright*, *John Wright*, *John Smith Wright*, *Charles Wylde* Doctor in Divinity, and their Successors, being qualified according to the Directions of this Act, shall be and are hereby declared to be the Trustees for carrying into Execution the said recited Acts and this Act.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees at their First Meeting to be holden in pursuance of the said recited Acts and this Act, or any of them, to elect any additional Number of fit and proper Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Acts and this Act; and such Trustees when so elected shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been named and appointed Trustees in or by virtue of this Act.

IV. And

Power to appoint new Trustees in Cases of Death, Refusal or Neglect to act.

IV. And be it further enacted, That when any Trustee or Trustees named or appointed in or by virtue of this Act shall die, or refuse or neglect to act in the Execution of the said recited Acts and this Act, it shall and may be lawful for the surviving or remaining Trustees, from Time to Time, at any of their Meetings to be held for all or any of the Districts of Road mentioned in the said recited Acts and this Act, to elect or appoint one fit Person living in the said Counties of *Nottingham* or *Derby*, or in the Town of *Nottingham*, in the Room of every Trustee so deceased, or refusing or neglecting to act; and all such Persons as shall from Time to Time be so elected and appointed as aforesaid, shall be joined with such surviving or remaining Trustees, and they are hereby empowered to act in the Execution of the said recited Acts and this Act, in as full, large, and ample a Manner, to all Intents and Purposes, as the Trustees appointed in or by virtue of the said recited Acts and this Act are empowered to act and do.

Qualification of Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, or any of them, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said recited Acts and this Act, or any of them, nor in any Case where he shall be personally interested, otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprises, or shall be Heir apparent to some Person having such an Estate, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or (being one of the People called *Quakers*) an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife,] in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, above Reprises, [*or* am possessed of a Personal Estate alone, [*or* Real and Personal Estate together,] to the Amount of Four thousand Pounds, [*or* am Heir Apparent of *A. B.*, who, to the best of my Knowledge, is possessed of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act, passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act*, &c. [*here insert the Title of this Act.*]

'So help me GOD.'

And if any Person, not being so qualified, or being disqualified for any of the Reasons aforesaid, or not having taken and subscribed the Oath as herein mentioned, or being a Quaker, not having made and subscribed such Affirmation as herein mentioned, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed, and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, or any of them; any thing in the said recited Acts to the contrary hereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Acts and this Act, or any of them, (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Acts of Trustees before Conviction to be deemed valid.

Three Trustees to be a Quorum in all Cases in the Execution of the said Acts and this Act.

VI. And be it further enacted, That all Acts, Matters, and Things to be done relative to the Execution of the said recited Acts and this Act, or any of them, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof respectively, the whole Number present of such Trustees not being less than Three; and all Acts, Proceedings, Matters, and Things, when so done, shall be as good, valid, and effectual as if the same had been done by all the said Trustees.

Trustees not to administer Oath on verifying Officers Account.

VII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any of them, for the Purpose of verifying his or their Accounts.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of the said recited Acts and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by this Act granted, without Fee or Reward; and the said Trustees

Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit, the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in Manner herein-after mentioned.

Trustees may borrow Money at a lower Rate of Interest than is now paid.

IX. And be it further enacted, That if at any Time after the passing of this Act any Person or Persons shall offer any Sum or Sums of Money on the Security of the Tolls of the said Roads, at a lower Rate of Interest than is now paid to the Holder or Holders of any of the existing Securities, the said Trustees shall and may and they are hereby authorized and empowered to cancel such Securities so carrying a higher Rate of Interest, to the Amount of the Sum or Sums offered, paying to the Holder or Holders the full Amount of such Security, and grant new ones bearing a lower Rate of Interest, unless the Holder or several Holders of such existing Securities shall consent to accept such lower Interest: Provided always, that the remaining Securities uncancelled shall continue at the same Rate of Interest as was paid immediately before the passing of this Act.

Provision for Payment of Creditors by Lot.

X. And be it further enacted, That when the said Trustees shall tkinh it proper to cancel the said Securities in Manner as aforesaid, they shall cause the several Numbers of such Securities to be written upon distinct Pieces of Paper, of an equal Size, and all such Papers shall be rolled up in the same Form, and put into a Box or Glass, and the Clerk to the said Trustees shall, in the Presence of the said Trustees, draw out of the said Box or Glass One of the said Numbers intended to be paid off, and thereupon the Security corresponding with the Number or Numbers which shall be so drawn, shall be accordingly paid off by the said Trustees; and after every such Ballot the said Trustees shall cause a Notice, signed by their Clerk, to be given to the Person or Persons who shall be entitled to the Money to be so paid off, which Notice shall express the principal Sum to be so paid off, and that the same will be paid off, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of One Calendar Month from the Date of such Notice; and the Interest of the Principal to be paid off, shall from and after the End of the said One Calendar Month cease, and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money, in respect whereof such Notice shall be given, and the Interest thereof to the End of the said One Calendar Month, shall be payable on Demand.

Separate Accounts to be kept of Composition Money for Townships and Parishes.

XI. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of the said recited Acts and this Act, (in addition to the general Account of Receipts and Disbursements herein-before directed to be made), to keep or cause to be kept separate and

and distinct Accounts for each Township liable to the Repair of the said Third District of Road, in which Accounts respectively shall be shown what Sums of Money have been received by the said Trustees from any such Township for Composition for Statute Labour or otherwise, and how the same have been expended; which last-mentioned Accounts shall at all seasonable Times be open to the Inspection of the Surveyor of the Highways of such Township respectively.

Clerk restrained from acting as Treasurer, and vice versâ.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Present Tolls on the Second and Third Districts insufficient.

XIII. And whereas the Tolls by the said recited Acts granted and continued (so far as relate to the Road leading from the *Four Lane Ends* near *Oakerthorpe* to *Ashbourne*, and from the Cross Post on *Wirksworth Moor*, to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith*, at or near *Longston* in the County of *Derby*, being the Second and Third Districts of Roads mentioned in the said Acts) are insufficient for the Purposes thereof, and of this Act; be it therefore enacted, That the said Tolls (so far as the same relate to the said Second District) shall from the Third *Monday* next after the passing of this Act cease, determine, and be no longer paid or payable, and that instead thereof the respective Tolls following shall be demanded, taken, collected, and paid, at the several and respective Tollgates and Turnpikes now erected or hereafter to be erected in, upon or across, or on the Side or Sides of any Part or Parts of the said Second District of Road included in the said recited Acts and this Act, or at the End or Ends, Side or Sides thereof, or at the End or Opening of any Street, Lane, or Way leading out of the said Second District of Road; (that is to say),

New Tolls on the Second District.

For every Horse, Mule, or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricle, Caravan, Chair, Gig, or other such Carriage, Hearse, or Litter, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Four-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, not exceeding One Penny:

For every Drove of Oxen, Cows, or Neat Cattle (Calves excepted), the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number:

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

For every Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstone or Millstones, Block or Blocks of Stone, Piece or Pieces of Timber, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and if drawn by more than Five Horses or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number; and for every Carriage with Wheels of less Breadth than Six Inches loaded as aforesaid, and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings and Nine-pence, and if drawn by more than Five Horses, or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number.

New Tolls on the Second District vested in the Trustees.

Which said respective Tolls to be received and taken on the said Second District of Road shall be and the same are hereby vested in the said Trustees; and the said Trustees shall have such and the same Powers and Authorities for collecting, receiving, levying, recovering, varying, mortgaging, transferring, leasing, and compounding for the same, as are given and expressed in and by the said recited Acts, or any of them, with respect to the Tolls thereby granted or authorized to be taken.

Repealing the Tolls on the Third District.

XIV. And be it further enacted, That the Tolls granted by the said recited Acts (so far as the same relate to the said Third District), shall, from the Third *Monday* next after the passing of this Act, cease, determine, and be no longer paid or payable; and that instead thereof the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Tollgates and Turnpikes which shall have been or shall be erected in, upon or across, or on the Side or Sides of any Part or Parts of the said Third District or Branch of Road included in the said recited Acts and this Act, or at the End thereof, or at the End or Opening of any Street, Lane, or Way leading out of the said Third District of Road; (that is to say),

New Tolls on the Third District.

For every Horse, Mule, or other Beast, drawing any Coach Barouche, Berlin, Landau, Chariot, Chaise, Curricle, Chair, Gig, or other such Carriage, Hearse, or Litter, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, or Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, a Toll not exceeding Three Halfpence:

For every Drove of Oxen, Cows, or Neat Cattle (Calves excepted), the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

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

For every Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstone or Millstones, Block or Blocks of Stone, Piece or Pieces of Timber, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Six-pence, and if drawn by more than Five Horses or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number; and for every Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid, and drawn by more than Five Horses or Beasts of Draught, the Sum of Three Shillings and Nine-pence, and if drawn by more than Five Horses or Beasts of Draught, the further Sum of One Shilling for each Horse or Beast of Draught exceeding that Number.

New Tolls on the Third District vested in the Trustees.

Which said respective Tolls to be received and taken on the said Third District of Road shall be and the same are hereby vested in the said Trustees, and they shall have such and the same Powers and Authorities for collecting, receiving, levying, recovering, varying, mortgaging, transferring, leasing, and compounding for the same, as are given and expressed in and by the said recited Acts, or any of them, with respect to the Tolls thereby granted or authorized to be taken.

Tolls to be paid but Once a Day.

XV. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Cattle, Beasts, and Carriages, through any One of the Gates or Turnpikes erected or to be erected upon any Part of the said Roads; and that all and every Person and Persons having paid such respective

respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof, and naming and specifying the several Gates or Turnpikes freed by such Payment (which said Notes or Tickets the Collectors are hereby required to deliver *gratis* on Receipt of the Tolls,) shall afterwards be allowed to pass or repass during such Day with the same Horses, Cattle, Beasts, and Carriages, Toll-free, through the Turnpike or Toll-gate at which Toll shall have been so paid.

Repealing Clause prohibiting any Tollgate between Nottingham and Radford.

XVI. And whereas it is by the said Two first-recited Acts enacted, that no Turnpike shall be erected across the Road leading from *Nottingham* to *Radford*, or from *Sherwood Forest* to *Radford*: And whereas such Restriction hath been found inconvenient and detrimental to the said Roads; be it therefore enacted, That the said Restriction shall be and the same is hereby repealed, and declared null and void to all Intents and Purposes whatsoever.

Power to let the Tolls.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held under or by virtue of the said Acts and this Act, or any of them, either by private Contract or otherwise, to demise, lease, and to farm let, all or any of the Tolls granted and continued by the said recited Acts and this Act, to any Person or Persons, for any Term or Number of Years not exceeding Three Years at any one Letting, for the highest Rent that can be reasonably got for the same, to be paid and payable at such Times and under such Covenants, and to such Person or Persons, and with such Sureties for the due Payment thereof, as the said Trustees shall direct or appoint, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders at any Meeting for letting the same, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied and disposed of in the same Manner as the Tolls granted and continued by the said recited Acts and this Act are directed to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever: Provided always, that the said Trustees shall, before the Letting of the said Tolls at their Meetings, at all Times cause Ten Days Notice at the least to be affixed upon all the Tollgates which shall be then standing upon the said Road, of their Intention to lease or demise such Tolls, or any Part thereof.

Trustees to have a Bidding when Tolls are put up to Auction.

XVIII. And be it further enacted, That when any of the Tolls payable by virtue of the said recited Acts and this Act, on the said Road, shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for a less Sum than an adequate Value.

XIX. Pro-

General Exemptions from Tolls.

XIX. Provided always, and be it further enacted, That none of the Tolls granted by this Act shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any Bridge or Bridges thereon, or any of the Roads in the Parishes in which any Part of the said Roads lie, or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, or passing to be sold and disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yard, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried, or going to or returning from any Parish Pound or Penfold; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having been so attended; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or

returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall be equipped with and have his Arms, Furniture and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or Prisoners in Custody under any legal Warrant, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Nottingham* and *Derby*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act,

Owners or Drivers of Waggons in His Majesty's Service not subject to Penalties for Overweight.

XX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to any such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Abatement of Tolls in certain Cases. 55G.3.c.119.

XXI. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One Fourth Part of the Tolls by this Act granted.

Penalty on evading Tolls.

XXII. And be it further enacted, That if any Person or Persons having passed through any Turnpike or Toll Gate erected or to be erected upon the said Road, with any Horse, Cattle, Beast, or Carriage, shall afterwards add or put any additional Horse or Beast to such Carriage, with Intent to evade the Payment of the Tolls authorized to be taken on the said Road, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Table of Tolls to be put up.

XXIII. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Tickets to be provided, denoting Payment of Toll.

XXIV. And be it further enacted, That upon Payment of the Tolls authorized to be collected and taken upon the said Road, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which the Tolls shall be paid, and also of the Gate or several Gates which ought to be passed free for One Payment of Toll.

Waggons with cylindrical Wheels not to be subject to additional Toll for Overweight.

XXV. Provided always, and be it further enacted, That no additional Toll shall be taken or payable for or in respect of any Overweight with which any Waggon, Cart, or Carriage may be loaded, the Wheels of which Carriage shall be cylindrical, and formed in manner herein-after mentioned, and being not less than Six Inches broad.

No more than Three full Tolls to be taken on the Third District of Road.

XXVI. And be it further enacted, That no more than Three full Tolls shall be taken upon the said Third District of Road for the same Horses, Beasts, Cattle, and Carriages, passing through all or any of the Toll Gates erected or to be erected across or on the Sides of the said Third District of Road in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

So much of the 40 Geo. 3. as relates to Tolls to be taken for Coals repealed.

XXVII. And be it further enacted, That so much and such Parts of the said recited Act of the Fortieth Year of the Reign of His said late Majesty King *George* the Third, as enacts that no more than Two full Tolls shall be taken on any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night, for the same Horses, Beasts, Cattle, and Carriages passing through all or any of the Toll Gates erected or to be erected across or on the Sides of the said Road from *Wirksworth Moor* to *Longston*, when drawing, carrying, or loaded, or going for the Purpose of carrying or being loaded only with Coals; nor more than Three such Tolls be taken when drawing, carrying, or loaded with any other Goods, Articles, or Things; shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Repealing certain Restrictions as to Tolls.

XXVIII. And be it further enacted, That so much and such Part of the said last-mentioned Act as enacts that no more Toll shall be taken at any Toll Gate on such last-mentioned Road than Threepence for any Cart drawn by One Horse only, and loaded or going for the Purpose of carrying or being loaded only with Coals, shall be and is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

So much of the 40 Geo. 3. as enacts that no Order of the Trustees shall be revoked, to be repealed so far as relates to the Third District.

XXIX. And be it further enacted, That so much of the said last-mentioned Act as enacts that no Order made by the said Trustees at any of their Meetings shall be revoked or altered, unless at some Meeting to be held for that Purpose, of which Notice shall be given by Advertisement in the *Nottingham* and *Derby* Newspapers, or such of them as shall be then printed and published, Twenty-one Days at least before such Meeting, signifying the Occasion of such Meeting, nor unless a greater Number of Trustees should attend at such Meeting to revoke and alter the same, and concur in the Revocation or Alteration thereof, than were present and made such Order, shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes, so far only as relates to the said Third District of Road.

Power to remove the Toll Gate at Rowsley.

XXX. And be it further enacted, That the said Trustees may at any Time after the passing of this Act order and cause to be removed the present Turnpike House and Gate at *Rowsley*, to any Part of the said Road between *Rowsley Bridge* and the End of the Lane leading to *Beeley*.

Trustees empowered to erect Cranes for weighing Carts, &c.

XXXI. And be it further enacted, That the said Trustees shall and may, at such Distance from any Toll Gate or Turnpike upon the said Road as they shall think proper or expedient, order and cause to be built or erected, or to be hired, rented, taken, compounded, and agreed for, any Crane, Machine, or Engine, proper for weighing Carts, Waggons, or Carriages loaded with any Kind of Loading whatsoever.

For settling Disputes concerning Tolls.

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

Toll Collectors to put up their Names.

XXXIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll

Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any of them, upon the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or any of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate or several Gates freed by such Payment, or shall make use of any 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 thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty, in case of Non-payment thereof, shall be levied and recovered, and shall be paid and applied, in such and the same Manner as other Penalties are by the said recited Acts, or any of them, directed to be levied, recovered, paid and applied.

To enable Trustees to take Possession of Toll Houses.

XXXIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts or of this Act, at the said Turnpike Gates, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Acts or this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or Cattle, than the Tolls demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of Ten Days next after any of the Days or Times whereon the same shall become due, and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat, then and in any of the said Cases it shall be lawful for the said

said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered), as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not on Service of such Notice as aforesaid deliver up the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances, so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace for the County or Place in which such Toll House or Toll Houses, Turnpike Gate or Gates, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses and Premises, and to put such other Person or Persons into the Possession thereof, as the said Trustees shall appoint.

Toll Gate Keepers not to be deemed incompetent Witnesses.

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

An Action of Ejectment may be supported by One Mortgagee.

XXXVI. And be it further enacted, That if any Mortgagee or Mortgagees, or Assignee of the said Tolls, Toll Gates, Bars, Chains, Tollhouses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees or Assignees.

Trustees empowered to mortgage the Tolls on the Third District of Road.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the Tolls to arise and be received upon or within the said Third District of Road (the Costs and Charges of such Assignments or Mortgages to be borne and paid out of the said Tolls), to any Person or Persons who now hath or have advanced or lent, or who shall or may hereafter advance or lend (at the Request of the said Trustees acting for the said Third District of Road), any Sum or Sums of Money for the Use and Improvement of the said Third District of Road, as a Security or Securities for such Sum or Sums of Money, with lawful Interest for the same, or for any less Rate of Interest, but subject nevertheless to the necessary annual Expences of repairing the said Third District of Road; and also subject and without Prejudice to the several Assignments, Mortgages, and Securities of the said Tolls made according to the Directions of the said Acts, and to the Repayment of the several principal Sums of Money thereupon lent, and intended to be thereby secured, and all Interest now due or hereafter to become due for or in respect of the same.

Gates not to open into the Road.

XXXVIII. And be it further enacted, That no Gate of any Park, Paddock, Field, Garden, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open (except the Hanging Post thereof shall be so far removed from the Centre of the said Road that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto); and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made, and such Penalty shall be levied, recovered, paid, and applied in manner herein-after mentioned.

Forimpounding Cattle or Swine straying on the Road.

XXXIX. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively

(except in such Parts of the said Road where the same is not fenced, or are open on either Side to any Commons or Waste Lands), it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, in the common Pound (if any) of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Road, or any Part thereof, or in case there shall be no Parish Pound, then in such other Place or Places as the said Trustees, or any Two or more of them, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell, or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same if sold shall appear to have been: Provided always, that nothing in this Act contained shall extend or be construed to extend to destroy, take away, or in any way prejudice, the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors through which the said Roads pass, to any Estrays to which such Lord or Lords, Lady or Ladies, now hath or have, or might or would have been entitled to in case this Act had not been passed.

Punishment of Persons guilty of Pound-breach.

XL. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction

Correction of the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Roads to be measured and Mile Stones erected.

XLI. And be it further enacted, That it shall and may be lawful for the said Trustees to cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up, or damage or deface any Direction Post, or Mile Stone or Post, or damage any Bridge, or any Guard Posts to Footways, or to any Precipice on the Sides of the said Road; or if any Person or Persons shall exercise, ride, or lead any Horse or Horses upon any Footway or Path adjoining to or made on the Side of the said Road, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to such Footway, any Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons committing Nuisances on the Road, &c.;

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees to make or cause to be made such Causeways or Footpaths on the Side or Sides of the said Roads, or on any Part or Parts thereof, as they shall think proper, and to place Posts, Rails, and Stones, or any or either of them, upon or by the Side or Sides thereof; and if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart or other Carriage), shall not, on meeting another Coach, Chaise, Waggon, Cart, or other Carriage, drive or keep his Carriage on the left-hand Side of the Middle of the said Roads, or if any Person shall ride upon any Causeway or Footway on the Side of or adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage upon any such Causeway or Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the left-hand Side of his Horse or Horses; or if any Person or Persons driving or riding upon any Horse or other Beast carrying Crates, Cans, or Panniers, shall not, on being overtaken by or meeting any other Person riding or driving any other Horse, Beast or Carriage, keep the said Horse or other Beast on the left-hand Side of the Middle of the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or any other Fire or Fires in the open Air, on or near the said Roads, or on or near the Side or Sides thereof, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Roads, or shall play at Football or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads, or the Sides thereof, to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, without Leave of

or laying Straw, &c. on the Road to be made into Manure, or scraping the Road.

the

the Surveyor of the said Roads, or shall lay any Piece of Timber or any Stones, Hay, Straw, Dung, Manure, or Soil, or leave any Cart, Carriage, or Wheelbarrow, Rubbish or other Matter or Thing whatsoever (except Materials for the Repair of the said Roads deposited by or by the Order of the Surveyor thereof for immediate Use) on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or within Fifteen Feet from the Middle of the said Roads, to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons shall leave any Carriage (except in Cases of Accidents) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Roads as near as conveniently may be; or if any Person or Persons after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave or suffer, or permit to lie and remain on any Part of the said Roads, the Stone or other Matter or Thing used in such blocking or stopping, or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag or trail upon any Part of the said Roads to the Prejudice thereof; or shall in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Hedges or Fences on either Side thereof respectively; or if any Person riding, attending, or driving any Horse or other Beast on the said Roads, and carrying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods, or other Matter or Thing, across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Roads, or any Part thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop reflecting or shining into or upon the said Roads; or if any Person shall in any manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads, every Person so offending shall for

every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties, Forfeitures, and Fines, and other the Penalties, Forfeitures, and Fines mentioned and imposed by this Act, shall be recoverable and applied in the same Manner as is provided and directed by the said recited Acts touching the Penalties and Forfeitures thereby inflicted or authorized to be imposed.

Trustees in diverting the Road, not to deviate more than One hundred Yards from the present Line.

XLIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads (unless such new Line or Course shall be along any public Road or Highway, or over any Common or Waste Ground) without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Houses, &c. not to be injured.

XLIV. And be it further enacted, That nothing in this or the said recited Acts or any of them contained, shall extend or be construed to extend to authorize the said Trustees, in diverting or altering the Line of the said Roads, to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

In case of not making out Title.

XLV. 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 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 said Accountant General, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, and Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the

Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession to be deemed presumptively entitled, &c.

XLVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, 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 of the said recited Acts or this Act, 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, 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 shown to the Satisfaction of the said Court; 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 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.

Court of Chancery to direct Payment of Expences.

XLVII. Provided also, and be it further enacted, That when 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 recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery as aforesaid, 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 the said recited Acts or this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to make and repair the Road.

XLVIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of

of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Paddock, Walk or Walks, or Avenue to an House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interest in such Ground and Premises as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, and left at their respective Places of Abode to hear, settle, and determine the Matters of such Payment and Damages.

Notices to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XLIX. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Acts and this Act, or any or either of them, to dig, gather, get, take, or carry away any Materials for repairing the said Roads out of or from any inclosed Lands or Grounds, until Twenty-one Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her last or usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient cause to the contrary, then and in such Case it shall and may be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such

such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; any thing in the said recited Acts contained to the contrary notwithstanding.

Penalty on taking away Materials.

L. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing, amending, or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and any Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in manner by the said recited Acts mentioned.

Statute Labour.

LI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place in which the said Roads do lie, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest), and in such Parts

of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such List shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of any such Parish or Place, to be by him or them paid over to the said Trustees, or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall not collect and pay over the several Sums due for Composition Money in Manner aforesaid, every Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by the said recited Acts or this Act directed to be levied, recovered, paid, and applied.

Drains to be altered and made more convenient.

LII. And whereas there are by the Sides of the said Road, in Parts where the same is narrow and incommodious, sundry deep Ditches and Drains, which in their present State are inconvenient and dangerous, and the said Roads would be greatly improved, and rendered more commodious and secure to Travellers, if such Ditches and Drains were filled up or removed; be it therefore further enacted, That it shall be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, to under-drain or fill up all such Ditches and Drains by the Side of the said Roads, in such Manner

as they the said Trustees shall think proper, or to divert and make the same in the Inside of the adjoining Lands, doing as little Damage as may be, and paying or tendering Payment to the Owners or Occupiers of the said Lands and Grounds for any Damage or Injury done thereto; and in case of any Difference between the said Trustees and such Owners and Occupiers concerning such Damages, then and in such Case any Two Justices of the Peace of the County or Place where such Lands or Grounds shall lie, within Twenty-one Days next after such Difference shall arise, and on Two clear Days Notice thereof to be given by the Surveyor of the said Roads to such Owner or Occupier, or by such Owner or Occupier to the said Surveyor, or to be left at his, her, or their respective Place or Places of Abode, shall hear, settle and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same: Provided always, that nothing herein contained shall authorize the said Trustees to enter upon, or to take or make use of, for the Purposes last aforesaid, any Yard, Garden, Orchard, Park, Paddock, Plantation or Nursery of Trees, without the Consent of the Owner or Owners thereof respectively for the Time being, in Writing, first had and obtained.

For securing transient Offenders.

LIII. And whereas Offences may be committed against the said recited Acts and this Act, or any of them, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the said Acts and this Act in Execution; be it therefore enacted, That it shall and may be lawful for any of the said Trustees, 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 other Authority or Warrant than this Act, to seize or detain 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 of the County or Place where the Offence shall have been committed, and such Justice is hereby empowered and directed to proceed to the hearing and determining of the said Complaint.

In case of Non-payment of Compensation for Materials, Damages, or Injuries done by the Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

LIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Acts and this Act, or any of them, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of the said recited Acts and this Act, or any of them, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue

of

of the said recited Acts and this Act, or any of them, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery and Application of Penalties.

LV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby and by the said recited Acts, or any of them, inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof is not therein or herein otherwise directed), upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or 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) shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered 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 recovered, shall be, if not otherwise directed to be applied by the said recited Acts, or any of them, from Time to Time paid Half to the Informer, and Half to the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case 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

Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LVI. And, for the more easy and speedy Conviction of Offenders against the said recited Acts or this Act, 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 the said recited Acts or this Act, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect (as the Case may happen), and shall not be obliged to set forth the Evidence at length; (that is to say),

Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of
' in the Year of the Reign of
' and in the Year of our Lord *A. B.* is
' convicted before One of His Majesty's Justices
' of the Peace for the said County of [*here specify*
' *the Offence, where and when committed,*] contrary to the Form
' of the Statute made in the Year of the Reign of
'
' intituled [*here set forth the Title of the said recited*
' *Acts or this Act, as the Case may be*]; and I do hereby declare
' and adjudge that the said *A. B.* hath forfeited for the said Of-
' fence the Sum of or shall be committed to
'
' for the Space of . Given under
' my Hand and Seal the Day and Year first above written.'

Proceedings not to be vacated for Want of Form.

LVII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against the said recited Acts and this Act, or any or either of them, or any Order to be made, or any other Matter to be done or transacted in or relating to the Execution of the said Acts and this Act, or any or either of them, shall be quashed or vacated for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

For paying the Expences of the Act.

LVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the said Trustees, out of any Money now in the Hands of the said Trustees or their Treasurer, or out of the first Money which shall arise by virtue of the said recited Acts and this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Public Act.

LIX. 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.

Continuance of Act.

LX. And be it further enacted, That this Act shall commence on the passing thereof; and that the said recited Acts (subject to the Alterations, Additions, and Amendments herein contained) and this Act shall from thenceforth continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said last-recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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