



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 174.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Doncaster* to *Bawtry*, in the County of *York*.
[15th June 1811.]

WHEREAS an Act was passed in the Sixteenth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending and keeping in Repair the Road from Doncaster to the Turnpike Road which leads from Bawtry to Retford, in the Counties of York and Nottingham*: And whereas an Act was passed in the Thirty-eighth Year of the Reign of His said Majesty, intituled, *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term of an Act made in the Sixteenth Year of the Reign of His present Majesty, for amending and keeping in Repair the Road from Doncaster to the Turnpike Road which leads from Bawtry to Retford, in the Counties of York and Nottingham, and for amending the said Act*: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same in Execution, and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted and authorized to be collected upon the said Road, some of which Sums of Money remain undischarged, and cannot be paid off, nor can the said Road be preserved in a proper state of Repair, unless the Term of the said Acts be further extended, the Tolls thereby granted be increased, and some of the Powers and Provisions thereof be varied, altered, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's

16 G. 3.

38 G. 3.

Trustees under the Acts have proceeded in the Execution thereof, but the Expenses have increased, &c.

[Loc. & Per.]

most

Acts further
continued.

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Sixteenth and Thirty-eighth Years of the Reign of His present Majesty, and all the Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things therein respectively contained, (except such Parts thereof as relate to Exemption from Stamp Duties, and also except such as are hereby varied, altered, or repealed,) shall be and the same are hereby continued in full Force and Effect, and together with this present Act shall be executed for and during the Term herein-after mentioned, as fully and effectually in all Respects and to all Intents and Purposes, as if the said Acts, and the Clauses, Powers, and Provisions therein respectively contained, were expressly repeated and re-enacted in the Body of this present Act; but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect on the First Day of the Month next after the passing of this Act; and that this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Acts and of this present Act, and of all Interest due and to become due for the same respectively.

New Trust-
tees.

II. And be it further enacted, That the Right Honourable *Charles William* Viscount *Milton*, the Right Honourable *William Henry* Viscount *Galway* in *Ireland*, the Honourable *Frederick Lumley*, *Henry Bower*, *George Broadrick* the Younger, *Edward Copley*, *Bryan Cooke*; *Philip Bryan Cooke*, *William Cooke*, *Samuel Clowes*, *Henry Saville Foljambe*, *William Gossip*, *William Haigh*, *Godfrey Higgins*, *Joseph Lockwood*, *Robert Pemberton Milnes*, *Richard Rodes Milnes*, *Miles Morley*, *Christopher Neville*, *George Parker*, *John Pearson*, *Charles Thelluffon*, *Wotton Byrchinshaw Thomas*, *George Clark Walker*, *William Battie Wrightson*, and *Arthur Bland Wrightson*, shall be and they are hereby added to and joined with the Survivors of the Trustees appointed in or by virtue of the said recited Acts; and the Trustees hereby appointed, and their Successors, being qualified according to the Directions of the said first recited Act, together with the Trustees appointed by or in pursuance of the said recited Acts, shall be and they are hereby authorized and empowered to carry this and the said Acts into Execution, as fully and effectually to all Intents and Purposes as if they had been nominated Trustees in the said recited Acts.

Trustees may
sue, &c. in
the Name of
the Treasurer
or Clerk.

III. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of their Treasurer or Clerk, for the Time being, and that no Action or Suit, to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this and the said recited Acts, but that the Treasurer or Clerk, for the Time being, to the said Trustees, shall be deemed to be the Plaintiff, or Defendant, (as the Case may be) in every such Action: Provided always, that every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced,

Treasurer to
be re-im-
bursed Ex-
pences.

prosecuted,

prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant, as aforesaid.

IV. And be it further enacted, That no Trustee shall be allowed to vote at the Election or Appointment of any Officer or Person, to hold any Office, or Place of Trust, or Profit, under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at One or more Meetings of the Trustees, within Two Years preceding the Death, Resignation, or Removal of the last Officer, or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall have been determined upon, and the Presence of such Trustee at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books, kept for the Purpose of entering all Proceedings of the Trustees, as being present on the Day of such Meeting.

No Trustee to vote in the Appointment of any Officer unless he have acted within a certain Time before.

V. And whereas the Tolls granted and continued by the said recited Acts are found insufficient to carry the Purposes thereof and of this Act into Effect, and it is expedient that the same should be repealed, and further and other Tolls granted instead thereof; be it therefore further enacted, That on the said First Day of the Month next after the passing of this Act the Tolls granted and continued by the said recited Acts shall be and the same are hereby repealed, and in lieu thereof, the several Tolls and Duties following shall be demanded and taken upon the said Road (that is to say :)

Old Tolls repealed and new ones granted.

For every Coach, Sociable, Chariot, Berlin, Landau, Vis-a-Vis, Barouche, Phaeton, Curricule, Calash, Chaise, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage, drawn by Six or more Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, or other Beast of Draught, the Sum of Sixpence:

Tolls;

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Cart, or other Carriage, the Sum of Nine-pence:

For every Two-wheeled Carriage so fixed, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drug, Cart, or other such Carriage, the Sum of Four-pence:

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

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

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

And that on every *Sunday*, during the Continuance of this Act, there shall be demanded and taken at the Gates or Toll Bars, erected or to be erected upon the said Road, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same, an additional Toll of One-Half the said respective Tolls:

Which

Tolls vested
in the Trustees.

Which said respective Tolls shall be and the same are hereby vested in the said Trustees for executing the said recited Acts, and this Act for the Time being, and they or any Five or more of them shall have such and the same Powers and Authorities for varying, mortgaging, transferring, leasing, and compounding for the same, and the same shall and may be collected, levied, recovered, applied, and disposed of in the same Manner, as in and by the said first recited Act are given and expressed with respect to the Tolls thereby granted.

Power of
Distress upon
the Goods
and Chattels
of those Per-
sons who re-
fuse to pay
Tolls, &c.

VI. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the said Tolls, shall after demand thereof made neglect or refuse to pay the same and every or any Part thereof, it shall be lawful for the Bar-keeper, or Collector, or his, her, or their Assistant or Assistants, authorized to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall find necessary, to follow after and seize or distrain any Horse, Beast, or other Cattle upon which any such Toll is by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any such Horse, or other Beast, separate from such Horse, or other Beast), or any Carriage, in respect of the Horses or Beasts drawing, on which Carriage such Tolls is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse or Horses, Beasts, Carriage, or other Things, so seized and distrained, or a sufficient Part thereof; returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Disputes con-
cerning Tolls
to be settled
by a Justice of
the Peace.

VII. Provided always, 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 Collectors or Persons distraining to retain the same, or the Money arising from the Sale thereof, (as the Case shall be) until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling, (as the Case shall be), shall be ascertained by One or more Justice or Justices of the Peace, having Jurisdiction in the Place where the Cause of Dispute shall arise, who upon Application made to him or them for that Purpose, shall examine the said Matter, on Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed shall be paid to the said Collectors, or other Persons, before he shall be obliged to return the Distress, or Overplus, after the Sale thereof, or of any Part thereof.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

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

or by reason of his, her, or their acting under the Authority of the said Trustees.

IX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected upon the said Road, shall at any Time or Times during the Continuance of this Act be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for letting the same, then and in either of those Cases, the said Trustees, or any Five or more of them, or their Clerk, Treasurer, or Surveyor, or other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Trustees may take Possession of Toll Houses when let to farm, in case of Non-payment of the Rent, &c.

X. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered to compound and agree by the Year, or otherwise, with any Person or Persons, (Common Carriers, and the Proprietors of Stage Coaches excepted), for any Sum or Sums of Money which the said Trustees shall think fit, for and in lieu of Payment of any of the said Tolls, which Composition shall be immediately paid to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be applied in the same Manner as the Tolls so compounded for would have been applicable.

Trustees may compound for the Tolls.

XI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby empowered at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in the *Doncaster Gazette*, or some other Newspaper published and circulated in the West Riding of the said County of York, and also affixed on all and every the Turnpike Gates that shall be standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls hereby granted, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient,

Trustees may reduce the Tolls, &c.

venient, for and during such Time as they the said Trustees, or any Five or more of them, shall think proper; and afterwards at a Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in force or effect with respect to Overweight, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit: Provided nevertheless, that when the whole Money borrowed on the Credit of the Tolls granted by the said first recited Act, or by this Act, shall not have been paid or discharged, the said Tolls hereby granted shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said Tolls; and such Tolls so varied and every of them shall be collected, recovered, and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

General
Exemptions.

XII. And be it further enacted, That none of the Tolls hereby authorized to be taken, shall be demanded, taken, or paid, at any of the Toll Gates erected or to be erected upon the said Road, for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers, on their March or on Duty; nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or Chapel, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his or their Parochial Church, Chapel, or other usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons, who shall die and be buried in any Parish, Hamlet, or Place, through which any Part of the said Road lies; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the Counties of *York* and *Nottingham* respectively, or any Surveyor or Surveyors of the said Road, when attending his or their Duty on the said Road; or for carrying or conveying Vagrants sent by legal Passes; or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or stacked up in any Barn or Yard held or used by the Occupier of the Land whereon the same grew, and being within the same Parish; or of carrying or conveying any Dung, Soil, or Compost, (other than Lime), to be used for manuring any Land, or going or returning empty in that Employment; nor for any Horse, Beast, or Cattle, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only

in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast, or Cattle, passing to or repassing from Water or Pasture, not beyond the Distance of Two Miles, and for either of those Purposes going or passing only from one Parish into the next adjoining Parish; and not travelling more than Two Miles along the said Road, nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried, not beyond the said Distance of Two Miles; nor for any Horse, Beast, or Cattle, used or employed for the Purpose only of carrying or conveying Materials for the making or repairing any Highway or public Road, within any such Parish, Hamlet, or Place, as aforesaid; nor for any Horse, Beast, Cattle, or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum, not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Carriages employed in the Public Service not to be subject to Penalties for Overweight, or an additional Number of Horses.

XIV. And in order to punish all Persons that may evade or endeavour to evade the Payment of any of the Tolls by this Act granted; be it further enacted, That in case any Person or Persons shall by any Means whatever evade or endeavour to evade the Payment of the said Tolls, or any Part thereof, or shall prevent or endeavour to prevent the Collector of the said Tolls, his, her, or their Assistant or Assistants, from making the Distress they are herein-before empowered to make, in Default of Payment of any of the said Tolls, such Person or Persons shall, on his, her, or their Conviction, by his, her, or their own Confession or Confessions, or by the Oath of One or more credible Witnesses or Witnesses, before One or more Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall

All Persons who shall endeavour to evade the Tolls punishable.

shall be committed, forfeit and pay for every Offence, over and above the Tolls they shall have so evaded or endeavoured to evade, and the Costs and Charges attending the Conviction, such Sum of Money, not exceeding Five Pounds, as such Justice or Justices shall adjudge; the same to be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid; the Forfeitures, or a proportionate Part thereof, to be applied in compensating the Informer, according to the Discretion of such Justice or Justices as aforesaid, and the Remainder (if any) to be paid to the Surveyor of the Road, towards the Repair thereof.

Penalties on Renters of Tolls compounding for Overweight.

XV. And whereas great Injury may be done to the said Road by the Farmers or Renters of the Tolls inducing Persons, by receiving from them a small and inadequate Composition for the Tolls of Carriages liable to be weighed, in respect of the Tolls for Overweight, to travel on the said Road, when otherwise they would have made Use of different Roads; be it therefore further enacted, That if any Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the said Road, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any other Person or Persons for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the said Road, for or in respect of the Overweight thereof, every such Farmer or Renter, Deputy or Agent shall on Conviction thereof, by Confession or upon the Oath of One Witness, before any such Justice or Justices as aforesaid, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his, her, or their Contract for renting the Tolls, if the Trustees shall think proper to vacate the same; and every such Composition shall be and the same is hereby declared to be null and void, and that One-half of every such Penalty or Forfeiture as aforesaid shall be paid to the Informer, and the other Half to the Surveyor of the said Road, to be applied towards the Repairs thereof, the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

Penalties on Collectors taking greater or less Tolls than allowed.

XVI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the said Tolls shall demand and take, or cause to be demanded or taken from any Person or Persons any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer, Renter, or Collector shall for every such Offence forfeit any Sum not exceeding Five Pounds, and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered and applied in such Manner as is herein before directed, with respect to the Penalties to be inflicted upon Persons evading or endeavouring to evade the Payment of any of the Tolls hereby granted.

Toll Gates, &c. vested in the Trustees.

XVII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houses, Weighing Machines, and the several Conveniences and Appurtenances thereto belonging, which are already erected upon

upon or on the Sides of the said Road, or which shall be erected or made by virtue of this Act, and in the Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things which are or have been, or shall be purchased, collected, or provided for the Purposes of the said recited Acts and this Act, shall be vested in the said Trustees, and they or any Five or more of them are hereby authorized and empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage any such Toll Gates, Toll Houses, Weighing Machines, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them, or their Agents or Servants in the Possession thereof.

XVIII. And be it further enacted, That if any Person or Persons shall dig or break up the Soil or Ground of any Part of the said Road or the Sides thereof, or shall scrape, take, or carry away any Materials, Gravel, Sand, Mud, or Dirt which shall have been digged or gathered for the Repair or Use of the said Road, or which shall be or lie upon the said Road or the Sides thereof, or shall get or take away any Materials out of or from any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of One Year, (except the Owner or Occupier of any private Lands or Grounds, and the Person or Persons authorized by such Owner or Occupier, who may get Materials for his or their own Use only, and not for the Use of any other Highway, or for Sale), every Person so offending and being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials, got by the Surveyor.

XIX. And be it further enacted, That if any Person shall ride or travel on Horseback, or in Carriages, or lead or drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or wheel any Wheelbarrow or Hand Cart upon any Footpath or Causeway now made or hereafter to be made on the Sides of the said Road for the Accommodation of Foot Passengers, (except only on crossing such Footpath or Causeway to go to the Lands or Grounds of any Person or Persons adjoining thereto), or shall cause any Damage to be done to such Footpath or Causeway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree, or Piece of Timber, or Stone which shall be carried upon Wheel Carriages to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or Damage the said Road or Footpath, or any Part thereof, or the Fences on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or

Penalty on riding on Footpaths, &c.

throw any Squib, Rocket, Serpent, or Fire Work whatsoever, on any Part or Parts of the said Road; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Road longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Footpath or Causeway now made or hereafter to be made on the Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon; or if any Person shall lay down or deposit any Dung, Manure, Ashes, Compost, or other Thing upon any Common or Waste Ground nearer to the Sides of the said Road or Footpath than the Distance of Thirty Feet, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing
transient Of-
fenders.

XX. And whereas Offences may be committed against the said recited Acts and this Act by Persons unknown to the Collectors, Trustees, Surveyors, or other Officers appointed to put the same into Execution; be it therefore further enacted, That it shall be lawful for 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 Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or District near the Place where the Offence or Offences shall be committed.

Persons liable
to Statute
Work to con-
tinue so.

XXI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work upon or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace for the County, Riding, District, or Place wherein the respective Parishes, Townships, or Places may be situated, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Clerk, or Surveyor, by their Order respectively, to adjudge and determine, what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, 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 and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place to bring in true and perfect Lists in Writing 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, Township, or Place, are by Law subject and liable to do Statute Work upon the said Road 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

Amount of the respective Sums to be paid; which Lists shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists 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 Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as they the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest), and on such Part of the said Road, as the Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees, or their Treasurer, at such Time or Times as they 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 hereby, or by the said recited Acts, 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 or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to, by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught, to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments; purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate; or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for and on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique*

Application
of Purchase
Money when
amounting
to 200 l.

Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said Acts and this Act, or any Five or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court; to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Directions and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Tenements and Hereditaments to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

Application
when the
Money does
not amount
to 200l. and
shall exceed
20l.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees,

Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing the said recited Acts and this Act, or any Five or more of them, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

Application when less than 20l.

XXV. 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 and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding or otherwise, as to the 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 same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what, and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

Respecting
disputed
Titles.

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

The Court of
Chancery may
direct the
Payment of
Expences of
Purchases to
be paid by
the Trustees.

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

For paying
the Expences
of this Act.

XXVIII. And be it further enacted, That the Costs, Charges, and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Acts, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in preference to all other Payments whatsoever.

Public Act.

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

Commence-
ment and
Duration of
this Act.

XXX. And be it further enacted, That the Term granted and continued by the said recited Acts, shall on the First Day of the Month next after

after the passing of this Act, cease and determine, and that the said Acts, (subject to the Alterations, Variations, and Additions herein contained), and this Act, shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.

