



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 7.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from *Alfreton* to *Mansfield*, in the Counties of *Derby* and *Nottingham*, and other Roads therein mentioned.

[5th March 1812.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for repairing, widening, and keeping in Repair the High Roads leading from Alfreton, in the County of Derby, through Carter Lane, to a certain Place in the Town of Mansfield called Stockwell, and from the Bridle Gate, at the Division of the Liberties of Blackwell and Hucknall, through the Town of Sutton in Ashfield, to the Mansfield and Newark Turnpike, at or near Python Hill, in the Forest of Sherwood, in the County of Nottingham*: And whereas another Act was passed in the Thirtieth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act made in the Fourth Year of the Reign of His present Majesty, for repairing, widening, and keeping in Repair the High Roads leading from Alfreton, in the County of Derby, through Carter Lane, to a certain Place in the Town of Mansfield called Stockwell, and from the Bridle Gate, at the Division of the Liberties of Blackwell and Hucknall, through the Town of Sutton in Ashfield, to the Mansfield and Newark Turnpike, at or near Python Hill, in the Forest of Sherwood, in the County of Nottingham*: And whereas great Progress hath been made in repairing and improving the said Roads, and several considerable Sums of Money have been borrowed, and are now due and owing on the Credit of the same, and of the Tolls authorized

4 G. 3. c. 67.

30 G. 3. c. 113.

Trustees have executed the Acts.

[Loc. & Per.]

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Acts further
continued.

rized to be taken thereon, together with a large Arrear of Interest; but the said Roads cannot be effectually amended and kept in Repair, nor the Money so borrowed be paid off, unless the Term of the said Acts be continued, and the Powers thereof altered and enlarged; and it is necessary that the present Tolls should be increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Clauses, Powers, Penalties, Forfeitures, Privileges, Provisions, Matters, and Things therein contained, (except such as relate to Exemption from Stamp Duties, and such as are hereby varied, altered, or repealed,) shall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained, and which shall take Effect upon the passing of this Act; which said additional Term, and also the Tolls herein-after granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit or on Account of the said Roads, or which shall or may hereafter be borrowed and become due on the Credit or on Account of the same, by virtue of the said recited Acts and this Act, and all Interest due and to become due for the same respectively.

Additional
Trustees.

II. And be it further enacted, That, from and after the passing of this Act, *John Aram, John George Aram, Thomas Adlington, John Andrews Mercer, Joseph Abell, John Andrews junior, Richard Adlington, John Aram, John Andrews Mercer, Thomas Ainsworth, Richard Burdon, Alexander Burdon, Benjamin Bagshaw, William Broadhurst, Jeffery Brock, William Butcher, William Bell, John Bacon, John Boulbee, John Blackwall, John Bowler, William Booth junior, Samuel Bolton, Henry Ball, William Brandereth, William Beardall, Joseph Bennett, John Balguy junior, John Bower, Paul Boot, William Bowmer, William Booth Kirkby, William Booth Pentridge, William Brookshaw, Samuel Boot, John Beckett, William Blatherwick, Thomas Blatherwick, Barnett, Bell, John Bilbie, Thomas Bilbie, William Bowmer, George Bansall, Reverend Guy Bryan, Thomas Clarke, Edward Coupe, John Clarke, Benjamin Clarke junior, William Clarke, William Curtis, George Coupe, Samuel Coupe, George Cooke, Benjamin Chambers, John Chambers, Benjamin Chambers junior, Reverend Thomas Leeson Cursbam, Samuel Clarke, William Clarke, John Charge, Richard Calton, John Coupe, Samuel Downing, John Durham, Joseph Downing, Samuel Dannah, Joseph Dannah, John Downing, William Downing, Benjamin Drawwater, William Dickons, John Dodsley, William Dodson, Thomas Dutton, Isaac Dodsley, Dusty, John Denman, Francis Ellis, William Ellis, William Evans, Nathaniel Edwards, John Fisher, William Fletcher, Daniel Fletcher, James Folds, David Flower, John Fermery, John Frost, William Fletcher, James Fletcher, Flint, Richard Forester Forester M.D. Edward Thoroton Gould, Richard Gorton, John Goodie, John Gratton, John Gadsby, Joseph Gould, William Gould, Thomas Green junior, William Gil, Joseph Gratton, William Green, George Goodwin, Charles Gregory, Edward Smith Godfrey, Joseph Hill, George Hurst, Thomas Hodgkinson, George Hodgkinson, William Hurt, Reverend Lancelot Greentwaite Halton,*

Halton, William Hickinbotham, John Holbrook, Daniel Hopkinson, John Cressy Hall, Thomas Hickinbotham, Thomas Heygate, Thomas Huston, Joseph Huston, William Haslam, Thomas Harvey, James Hulme M. D. James Heygate, Joseph Hurt, Samuel Hurt, Francis Humphries, Henry Hollins, James Harvey, William Hurt, Thomas Hunt, James Hall, Robert Hall, John Hall, Francis Holmes, William Heath, Matthew Harvey, Hopkinson, Holdsworth, Seth Hurt, Hage, Immanuel Halton, William Holmes, John Hunt, Francis Hephworth, Richard Haslam, John Hall Park Hall, Reverend George Holt, Reverend George Holt junior, John Jalland, Richard Jephson, Richard Jenkinson, John Inman, Thomas Inman, George Johnson, William Johnson, Benjamin Jefford, William Johnson, Samuel Jenkin, William Jessop, William Jessop junior, Josias Jessop, Samuel Jackson, Henry Jackson, John Key, William Kirkland, William Kemp, Samuel Kitchener, William Wilson Kent, Richard Leavers, William Lang, Thomas Langford, William Lynam, David Leavers, Bernard Lucas, William Aliwood Lord, John Milward, Samuel Machen, John Machen, John Marple junior, James Marshall, Samuel Milward, William Midworth, John Mason, Richard Mellors, Robert Milward, William Milward, James Maltby, Samuel Matthews, Richard Milward Epperstone, Richard Milward Foxgrave, Richard Milward junior, John Milward junior, John Milward junior, Thomas Milward junior, Sir Francis Molyneux Baronet, Joseph Meades, Bakewell Machen, Anthony Lax Maynard, Henry Machen, George Moss, John Need, William Neepe, Thomas Neale, Samuel Outram, William Oates, Roger Oldham, Charles Otter, Reverend Edmund Outram, D. D. Joseph Outram, John Outram, John Parsons, Isaac Spencer Page, William Paulson, Samuel Plant, William Palmer, Platts, William Pearce, Potts, Paulson, William Paitson, Reverend Charles Palmer, Samuel Potter, Richard Parsons, William Root, Thomas Radford, Thomas Rycroft, William Rowbotham, Reverend William Rawlins, Benjamin Robinson, William Roper, Thomas Randall, William John Rhodes, Thomas Redgate, Charles Stanton, William Siddon, Edward Sampson, William Strutt, John Shepperson, William Shepperson, John Satterfield, Stephen Sampson, Thomas Senior, Samuel Siddon junior, William Siddon junior, Jonathan Storer, Samuel Sutton, James Stevens, Robert Strelley, Robert Strelley junior, Benjamin Strelley, Robert Summers, William Stanhope, Samuel Smedley, John Smedley, Sugall, William Siddall, John Sant, Robert Sharpe, Griffin Spencer, John Thompson, Benjamin Turner, Joseph Turner, William Taylor, Francis Turner, Samuel Turner, William Turbutt, William Turbutt junior, Reverend Richard Burrows Turbutt, Richard Tidsbury, Trusswell, William Tagg Earnsfield, Wotton Byrchinshaw Thomas, John Vessy, Jabez Unwin, Richard Wright, John Wright, Peter Wood, George Watson, Isaac Wilkinson, John Wilkinson, Chesterfield, Adam Woolley, John Wheatcroft, John Walker, Reverend Thomas Webster, John Wilmot, Reverend John Wood, Samuel Wragg, Robert Waller, George Weightman, Thomas Watson, William Watson, John White, William Whelpdale, Thomas Walker, William Wilkinson, John Wilson, Joseph Wilson, Robert Wood, Joshua Withers, Francis Wakefield, Thomas Watson, Robert Wright, John Wright, William Wragg, John Wragg, George Walkden, James Wilson, Samuel Wilson, Robert Woodward, Samuel Woolley, William Ward, Samuel Ward, John Wooding, William Wilson junior, George Wilson, John Wilkinson Hilcote, John Eardley Wilmot, John Eardley Eardley Wilmot, John Woolley, William Woodcock, Reverend Francis Wilmot, Willows Wright, John Wragg, and George Wragg, shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts, or either of them, for putting the said recited Acts and this Act into Execution;

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

Repeal of Clause restraining the setting of a Bar between the East End of Fullwood Common, &c.

III. And be it further enacted, That so much of the said first recited Act as enacts, that no Toll Gate, Turnpike, or Side Bar, should be set or erected between the East End of *Fullwood Common*, and the West End of *Normanton Common*, nor any Side Gate or Bar across or aside a certain Lane in the Parish of *Pinxton*, in the said County of *Derby*, called *Birchwood Lane*, or across or aside a certain Lane in the said Parish of *Pinxton*, called *Pinxton Lane*, shall be and the same is hereby declared to be repealed.

No Toll Gate to be set between the West End of Fullwood Common and the Road leading to South Normanton.

IV. Provided always nevertheless, and be it further enacted, That no Toll Gate, Turnpike, or Side Bar, shall be set or erected upon or on the Side of the said Roads between the West End of the said Common, called *Fullwood Common*, and the Lane or Road leading to *South Normanton*, between the School and the Scite of the old Windmill, which are situate on the North Side of the said Road, and on the inclosed Common of *South Normanton*; any Thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

Repeal of Clause restraining the taking of no more than Three-fourths of Tolls going to the Collieries.

V. And be it further enacted, That so much of the said first recited Act as enacts, that no more than Three-fourths of the Tolls therein mentioned should be demanded or taken at any Toll House, to be erected by virtue of the said Act, for any Waggon, Wain, Cart, or other Carriage unladen, or laden only with necessary Fodder or Provisions for the Horses, Cattle, or other Beasts drawing the same, and going to *Blackwell* or *Hucknall* Colliery, or any Colliery or Collieries which, during the Continuance of that Act, might be opened, and be in working in or upon the Common of *Folewood* or *Fullwood*, in the said County of *Nottingham*, or returning from thence laden only with Coals or Coke, and travelling towards the Towns of *Mansfield* and *Sutton* in *Ashfield*, or either of them, shall be and the same is hereby declared to be repealed.

Repeal of Clause restraining the taking of not more than Half a Toll from Brook Hill, &c.

VI. And be it further enacted, That so much of the said recited Act as enacts, that no more than One-half of the Tolls therein mentioned should be demanded or taken at any Toll House, to be erected between the Town of *Alfreton* and the West End of *Normanton Common*, for any Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or other Beast passing or repassing through the same, and going only from *Brook Hill* or *Carter Lane*, *South Normanton* or *Pinxton*, in the said County of *Derby*, or from *Kirkby*, in the said County of *Nottingham*, by *Pinxton* aforesaid, to the said Town of *Alfreton*, shall be and the same is hereby declared to be repealed.

For discontinuing the present Tolls and granting new ones.

VII. And whereas the Tolls by the said first recited Act authorized to be taken on the said Roads have been found insufficient effectually to maintain and repair the same, and pay the Interest of the Money borrowed on the Credit of the said Tolls; be it therefore further enacted, That the several

Several Tolls now payable by virtue of the said recited Acts shall cease, determine, and be no longer payable, and that instead thereof the following Tolls shall be demanded and taken; that is to say,

For every Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calash, Hearse, Chaise, or Phaeton, Whisky, or Chair, drawn by more than Two Horses or other Beasts of Draught, the Sum of Three-pence *per* Horse; and drawn by Two Horses or other Beasts of Draught, the Sum of Six-pence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence: New Tolls.

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

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, and drawn by Four or more Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny *per* Horse; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or other Beast of Draught, where the Carriage, together with the Lading thereof, shall weigh more than Sixteen Hundred Weight, the Sum of Four-pence Halfpenny; and drawn by One Horse or other Beast of Draught, where the said Carriage, together with the Lading thereof, shall be of less Weight than Sixteen Hundred Weight, the Sum of Three-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, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any less Number: And,

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

And that Double the said respective Tolls shall be demanded and taken for all Horses, Cattle, Beasts, and Carriages, upon every *Sunday* in the Year, (to be reckoned from Twelve of the Clock in every *Saturday* Night to Twelve of the Clock in the next succeeding *Sunday* Night,) which said Tolls shall be and the same are hereby vested in the Trustees for executing the said recited Acts and this Act, and the same shall and may be demanded, levied, recovered, applied, and disposed of in the same Manner, and to and for the same Uses, Intents, and Purposes, as in and by the said recited Acts is and are mentioned and declared with respect to the Tolls thereby granted or continued; and that it shall be lawful for the said Trustees, or such Person or Persons as they shall appoint, and he and they are hereby authorized and required, between the Thirty-first Day of *October*, and the First Day of *May* in every Year, to demand and take, or cause to be demanded and taken, over and above the respective Tolls herein-before granted, One further Half Toll, in

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addition

Double Toll
on Sundays.

Additional
Half Toll in
Winter.

addition to such respective Tolls, from all Persons who shall pass with any Horse, Cattle, Beast, or Carriage, through any Turnpike erected or to be erected by virtue of the said recited Acts and this Act.

In case of Neglect or Refusal to pay the Tolls, Justices may enquire in a summary Way.

VIII. And be it further enacted, That if any Person shall neglect or refuse to pay the Tolls hereby granted, and where no Distress shall have been made for the same, it shall be lawful for any One Justice of the County, Division, or Place where the Toll Gates through which such Person shall have passed shall be situate, upon Complaint to him made, to make Inquiry concerning such Neglect or Refusal, and by Warrant under his Hand and Seal, to cause such Tolls or Money as shall appear to be due and unpaid to be levied, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any), after the Money remaining due and the Charges of making such Distress shall have been first deducted.

Persons having before paid Toll, going with different Cattle or Carriages on the same Day, shall pay another full Toll.

IX. And whereas many Carriages travel upon the said Roads laden with Coals and other heavy Loading, and pass and repass thereon several Times in the same Day with different Cattle or Carriages, to the Injury of the said Roads; be it therefore further enacted, That, from and after the passing of this Act, if any Person, who shall have paid Toll for the passing of any Carriage or Cattle through any Gate or Turnpike, shall again come to and attempt to pass the same Gate or Turnpike on the same Day, with either a different Carriage or different Cattle, every such Person shall again pay another full Toll for the passing of such new Carriage or Cattle, as if no Toll had been before paid.

Disputes concerning Tolls to be settled by a Justice.

X. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Toll due, or the Charges of keeping any Distress or Distresses, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by the Sale thereof, as the Case may happen, until the Quantity of Toll due, and Charges of seizing, distraining, keeping, and selling such Distress or Distresses, shall be ascertained by some Justice of the Peace for the respective Counties, who, upon Application made to him for that Purpose, shall examine the said Matter on Oath of the Parties, or any credible Witness or Witnesses, and determine the Quantity of the Toll due, and assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return any Distress, or the Overplus Money after the Sale thereof, or of any Part thereof.

Exemptions from Toll.

XI. And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages 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, on the same Day, any Stone, Brick, Gravel, or other Materials for repairing the said Roads, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads; or for any Lime used in the Township or Parish only where the same is got and burnt, or laden only with Dung, Marle, Soil, or other Manure, to be used in manuring of Lands or Grounds within any Parish, Hamlet, or Place through which the said Roads pass; or with any Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any
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of the Houses, Outhouses, Barns, Yards, or Premises of the respective Inhabitants or Occupiers of Land within the said respective Parishes, Hamlets, or Places, being the Growth and Produce of Land held and occupied by the respective Inhabitants and Occupiers within such respective Parish, Hamlet, or Place, and carried for their own private Use and Consumption only, and not for Sale; nor for any Cattle or Carriage going for or returning laden only with Hedgewood which shall be grown, cut, and used in any of the said Parishes, Hamlets, and Places; nor for any Cattle drawing, or going with or going empty, or returning empty after being laden only with any Ploughs, Harrows, or other Implements of Husbandry, belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle going to or from Water, Pasture, Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes, Hamlets, or Places, or going to be or returning from being shod or farried; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; or of or from any Person or Persons in any of the said Parishes or Places, for passing through any of the said Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, to or from his, her, or their respective Parish Church, or other usual Place of Religious Worship, licensed according to Law, for the Purpose of attending or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person to be interred in any of the said Parishes or Places; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them or laden only with their Arms or Baggage, or employed in 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, Barrack, or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskys, Chairs, or other Carriages, or Passengers on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the Counties of *Derby* or *Nottingham*, or a Burgess or Burgesses for the Boroughs of *Derby* and *Nottingham*, during such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or removing from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the

same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Owners or Drivers of Waggon employed in the Service of His Majesty's Forces not to be subject to Penalties of Overweight, &c.

XII. 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 publick Stores 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 any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses in 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.

Collectors of Tolls not to be deemed incompetent Witnesses.

XIII. 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 any 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 or 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 incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls.

To enable Trustees to take Possession of Toll Houses, &c. in the Hands of Lessees, Farmers, or Collectors.

XIV. And be it further enacted, That in case the Tolls arising from all or any of the Turnpikes or Toll Gates, Weighing Engine or Weighing Engines erected or to be erected on the said Roads, shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall be respectively demised or let, 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, or any Part or Instalment thereof, shall be in Arrear and unpaid by the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Contract or Agreement for letting the same; or if any Collector or Receiver of the Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person who shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Engine or Weighing Engines, with the Buildings and Appurtenances thereto belonging, for the Space of Three Days next after Demand made thereof in Writing, signed by any Five of the Trustees, or by their Clerk or Treasurer, and left at such Toll House or Toll Houses, Weighing Engine or Weighing Engines, then and in any of the said Cases it shall be lawful for the said Trustees, or any Five or more of them, or their Clerk or Treasurer,

or

or other Person authorized by Writing under the Hands of any Five or more of the said Trustees, with such Assistance as shall be thought necessary, to enter into and upon the Possession of such Toll House or Toll Houses, Weighing Engine or Weighing Engines, and other Buildings and Premises, in the Day-time, and remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Collection of the Tolls there payable, and to put the said Trustees, or any of their Officers, or any other Person or Persons appointed by the said Trustees, or any Five or more of them, in Possession thereof; and on such Lessee or Lessees, Farmer or Farmers, or any Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, 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 accordingly be utterly void, to all Intents and Purposes, as if such Demise, Contract, or Agreement had never been made, (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved or made payable); and it shall 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 other Person or Persons, in the same Manner as if no former Demise, Contract, or Agreement had been made or entered into relative to the same.

XV. And be it further enacted, That if it shall at any Time be thought necessary, for the better Execution of the said recited Acts and this Act, that the Trustees should meet before the Time to which any Meeting shall be adjourned, or in case no Adjournment shall have been made, as directed by the said first recited Act or this Act, the Person acting as Clerk to the said Trustees, upon an Order in Writing signed by any Five or more of them, although not assembled at a Meeting, (mentioning the Time and Place of such Meeting,) shall, as soon as may be, give Notice thereof by Advertisement in the *Derby* and *Nottingham* Newspapers, and in such Notice appoint a Meeting of the Trustees to be held at such Time and Place as shall be directed by such Order, such Time not being less than Twenty-one Days after Publication of the said Notice; and all the Acts, Orders, and Proceedings of the Trustees at such Meetings, shall be as valid and effectual as if such Meetings had been held in pursuance of Adjournment: Provided, that no Order made at a former Meeting shall be annulled or revoked by any Order at such special Meeting.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause Footpaths or Causeways to be made on the Sides of the said Roads, or any Part or Parts thereof; and if any Person or Persons shall ride upon any such Footpath or Causeway when made by the said Trustees, or any Surveyor or Surveyors of the Highways, or any other Person or Persons within any of the said Parishes, Hamlets, or Places through which the said Roads pass; or shall drive any Horse, Mule, Ass, Cattle, Beast, Pig or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or shall wilfully cause any Damage whatsoever to be done thereto; or shall lay any Timber, Hay, Straw, Dung, Compost, Ashes, Rubbish, or any other Matter or Thing whatsoever, upon the said Footpaths or Causeways, or any Part thereof, or shall obstruct or impede the Passage upon the same; every such Person shall for every such Offence forfeit and pay any Sum

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Meetings on
Emergencies.Power to
make Foot-
paths, and
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nalty on Per-
sons injuring
them.

not exceeding Forty Shillings, to be recovered, levied, and applied in such Manner as other Penalties and Forfeitures are by the said recited Acts, or either of them, directed to be recovered, levied, and applied.

Trustees not to alter or vary the Course of the Road, without giving Twenty-one Days Notice, &c.

XVII. And be it further enacted, That from and after the passing of this Act, the said Roads shall not be diverted or turned, or the Course or Path of any Part or Parts thereof altered, either over, upon, or through any Moor, Waste, or Common Ground, or over, upon, or through the private or several Lands or Hereditaments of any Person or Persons whomsoever; nor shall the said Trustees, or any of them, have Power to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may respectively sustain by the diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, except by Order of the said Trustees, or any Nine or more of them, at a Meeting to be convened for that Purpose, and unless Notice in Writing, specifying the Purpose of such Meeting, and the Alteration to be made, be affixed upon the Toll Gates or Turnpikes erected or to be erected by virtue of the said recited Acts and this Act, and also inserted in the *Derby* and *Nottingham* Newspapers Twenty-one Days at least before such Meeting, and of which Meeting the Clerk to the Trustees shall and is hereby required to give Notice accordingly, upon the Request of any Five or more of the said Trustees, delivered to him in Writing for that Purpose; nor unless a sufficient Sum of Money shall be in the Hands of the said Trustees, or their Treasurer, according to an Estimate to be made by some competent Person for that Purpose, to effectuate such Alteration; or such Sum of Money shall be then offered to be lent on the Credit of the said Tolls; any Thing in the said recited Acts, or either of them, to the contrary thereof notwithstanding.

Application of Compensation Money when amounting to 200l.

XVIII. And be it further enacted, That if any Monies shall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, or other Hereditaments, in the Purchase of the Land Tax, or towards the 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, Grounds, or other Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of

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

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Grounds, or other Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing the said recited Acts and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 200l. and amounting to or exceeding 20l.

XX. Provided also, and be it further enacted, That when 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, Grounds, or other Hereditaments so purchased, taken, or used, for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his,

When under 20l.

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.

Respecting
disputed
Titles.

XXI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Grounds, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Grounds, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Grounds, 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, Grounds, 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, Grounds, or Hereditaments, or to some Estate or Interest therein.

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.

XXII. 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, Grounds, 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 the Person or Persons to whom any Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Grounds, 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 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, Grounds, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mention-

ing 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.

XXIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Grounds, 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, and to be applied in the Purchase of other Lands, Grounds, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts or this Act, it shall be lawful 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 or 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXIV. Provided always, 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, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any One or more Justices of the Peace for the said Counties of *Derby* or *Nottingham*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their 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 do 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 and 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 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 List of Names 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 Repairs of the publick 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 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

Persons chargeable to Statute Work to continue so; and authorizing Justices to determine Differences touching Statute Work.

[*Loc. & Per.*]

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Parts

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 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 by the said recited 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 of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick 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 Roads, 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 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; 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 Forty Shillings.

Trustees may
compound
for Statute
Work.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees, in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

XXVI. And

XXVI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or attempt so to do, or cause or procure to be assaulted, interrupted, or hindered, any Collector or Collectors of the Tolls, or any of the Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of the Powers by the said recited Acts or this Act given, or any of them, every such Person shall for every such Offence forfeit and pay, any Sum not exceeding Forty Shillings.

Penalty on Persons interrupting Collectors or Surveyors.

XXVII. And whereas Persons guilty of Offences against the said recited Acts or this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for the Surveyors, or other Officers duly authorized by the Trustees, to seize and detain any, unknown, Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them, before One or more Justice or Justices of the Peace for the County where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Power to detain Persons guilty of Offences.

XXVIII. And for the more speedy and easy Conviction of Offenders against the said recited Acts and this Act, be it further enacted, That all and every 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, shall and 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; *videlicet*,

Form of Conviction.

County of **B**E it remembered, That on the Day of
 in the Year of His Majesty's Reign, *A. B.*
 is convicted before of His Majesty's Justices of the Peace
 for the County of by virtue of an Act made in the
 Year of the Reign of His Majesty King *George* the Third,
 intituled *An Act [here set forth the Title of the Act, specifying the Offence, and the Time and Place, when and where the same was committed, as the Case shall be]*. Given under our Hands and Seals [*or, my Hand and Seal, as the Case may be*] the Day and Year first above written.

And that no Objection shall be made or Advantage taken for Want of Form in any such Conviction by any Person or Persons whomsoever; and that no Proceeding to be had touching the Conviction of any Offender or Offenders against the said recited Acts or this Act shall be quashed or vacated for Want of Form, or be removable by *Certiorari*, or any other Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Not to be quashed for Want of Form, or removable by Certiorari.

XXIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done against, or by virtue or in pursuance of the said recited Acts or this Act, in the Name either of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by any Act of any such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Treasurer

Trustees may sue and be sued in the Name of their Clerk or Treasurer, who is to be reimbursed his Expences.

for the Time being shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed out of the first Money to arise by virtue of the said recited Acts and this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Suit, or any Proceeding had thereon, he shall bear, pay, expend, or be put unto, or become chargeable with or liable to, by reason of his so being made Plaintiff or Defendant as aforesaid.

For paying
the Expences
of the Act.

XXX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act, shall be paid by the said Trustees, or any Five or more of them, as soon as may be, out of the Monies received or to be received or borrowed by virtue of the said recited Acts or this Act, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for the Expences of obtaining and passing this Act, such Person and Persons shall be repaid the same, together with lawful Interest thereon from the Time of advancing the same.

Publick Act.

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

Term of the
Act.

XXXII. And be it further enacted, That the Term granted by the said recited Acts shall, upon the passing of this Act, cease and determine; and that the said Acts (except such Parts thereof as are hereby varied, altered, or repealed) and this Act shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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