



ANNO QUINQUAGESIMO OCTAVO.

GEORGI II. REGIS.

Cap. vii.

An Act for continuing and amending an Act of His present Majesty for repairing the Roads near the Towns of *Hockerton, Kirklington, Southwell, Normanton, and Winkbourne*, with a Branch from *Kirklington* to the *Street-Gate Road*, and the *Newark and Southwell Turnpike Road* at *Greet Bridge*, in the County of *Nottingham*. [17th March 1818.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the several Roads near the Towns of Hockerton, Kirklington, Southwell, Normanton, and Winkbourne, in the County of Nottingham*: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the several Roads near the Towns of Hockerton, Kirklington, Southwell, Normanton, and Winkbourne, in the County of Nottingham;'* and for amending, widening, and keeping in Repair the Road branching out of one of the said Roads in the Village of *Kirklington*, to the *Street Gate Road*, and the *Newark and Southwell Turnpike Road* at *Greet Bridge*, all in the County of *Nottingham*: And whereas in order to carry the said Acts into Execution, several Sums of Money have been borrowed on the Credit of the said recited Acts, and of the Tolls and Duties thereby granted, and a considerable Sum of Money now remains due and owing thereon,

[Local.] together

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Recited Acts
continued.

together with a large Arrear of Interest, which cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the said Acts, which are near expiring, be continued for a further Term; and it is expedient that some of the Powers and Provisions therein respectively contained should be repealed, enlarged or altered, and that some further Tolls, Powers, and Authorities should be granted for more effectually repairing and improving the said Roads: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Fourteenth and Thirty-sixth Years of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein respectively contained, and now in force (except such of them as are varied, altered, or repealed), and also all the Tolls, Powers, Authorities, Clauses, and Provisions in this Act contained, shall be and continue in full Force and Effect, and be executed by the Trustees appointed or to be appointed by or in pursuance of the said recited Acts and this Act, or any of them, for and during the Term herein-after granted or mentioned, for repairing, widening, altering, and otherwise improving the said Roads near the Towns of *Hockerton, Kirklington, Southwell, Normanton, and Winkbourne*, and also the Road branching out of one of the said Roads in the said Village of *Kirklington*, to the *Street Gate Road* and the *Newark and Southwell Turnpike Road*, at *Greet Bridge* aforesaid; and this Act and the Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing, or may be hereafter borrowed and become due and owing, on the Credit or on the Account of the said recited Acts and this Act, or any of them, and of all Interest due and to grow due thereon respectively.

New Trustees.

II. And be it further enacted, That *Sir Richard Sutton* Baronet, *Thomas Wright*, *Benjamin Broughton Stead*, *William Barrow* Clerk L. L. D., *John Thomas Becher* Clerk, *William Bristow* Clerk, *Charles Fowler* Clerk, *James Footitt* Clerk, *Henry Houson* the younger Clerk, *William Wylde*, *Henry Stenton*, *Thomas Falkner*, and *William Claye* Clerk, shall be and they are hereby added to and joined with the surviving and continuing Trustees appointed in and by virtue of the said recited Acts or either of them; and the said Trustees herein-before named shall have the same Powers and Authorities to act in the Execution of the said recited Acts and this Act, in all respects whatsoever, as the Trustees appointed in or by virtue of the said recited Acts or either of them are authorized to act.

Power to appoint additional Trustees.

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

IV. And be it further enacted, That all Acts, Matters, and Things authorized to be done and executed by the Trustees nominated and appointed by or by virtue of the said recited Acts and this Act, or any of them, shall and may be done and executed by any Five or more of such Trustees for the Time being.

All Acts may be done by Five Trustees.

V. And be it further enacted, That the said Trustees may sue or 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 Clerk or Treasurer for the Time being respectively; and that no Action or Suit to be brought or commenced, by the Direction of or against the said respective Trustees, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Authority of the said Trustees, but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that every Clerk or Treasurer in whose Names any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of the said recited Acts and this Act, all the Costs, Charges, Damages, and Expences which, by the Event or in consequence of any such Action or Proceeding, he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

Trustees may sue or be sued in the Name of their Clerk or Treasurer.

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

Same Person not to be Clerk and Treasurer.

VII. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County, Liberty, or District wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and

For settling Disputes concerning Tolls.

and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of
Tolls not in-
competent
Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or relating to the said Tolls or any of them, 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 disqualified from giving Evidence in any such Dispute, Suit, Litigation, or Appeal, by reason of his, her, or their having been appointed to collect or being employed in the Collection of such Tolls, or acting under such Authority as aforesaid.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the Inspec-
tion of the
Trustees and
Creditors.

IX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or any Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit any of the Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, every Clerk, Treasurer, or other Person so offending, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Tickets to
specify the
particular
Gates to be
freed thereby.

X. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls as aforesaid, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed from Toll by such Payment.

Regulating
Toll Col-
lectors.

XI. And be it further enacted, That every Toll Collector being appointed either by the said Trustees, or by any Lessee or Lessees of the said Tolls, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall

shall not place such Board as aforesaid, and keep the same there during the Time aforesaid; or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Regulations of the said Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them; or shall, in answer to such Demand, give a false Name or Names; or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and specifying and naming thereon the Gate or Gates freed by such Payment; or, upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts and this Act directed to be recovered and applied.

XII. And be it further enacted, That if, upon or after any Letting or Agreement for letting the said Tolls or any Part thereof, any Default shall be made in Payment of the Rent agreed to be paid for the same or any Part thereof on the Days appointed for Payment thereof, then and in such Case the said Trustees are hereby empowered, at any Meeting of the Trustees, whereof Notice shall have been given to the Lessee or Lessees of the said Tolls, and shall also have been affixed on the Turnpike Gates upon or across the said Roads, Twenty-one Days at the least previous to such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, to be void, and from the Time of such Declaration such Lease, Contract, or Agreement shall be void to all Intents and Purposes; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due or owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Damages, and Expences which the said Trustees or their Treasurer or Clerk for the Time being shall or may pay, sustain, or be put unto, by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, which shall be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

Power to declare Leases of Tolls void on Non-payment of Rent.

XIII. And be it further enacted, That if the Lessee or Lessees of any of the Tolls by this Act granted, or any Person or Persons claiming under him or them, shall, at any Time after the Expiration of the Term for which such Tolls shall be leased, or for the Space of Fourteen Days after the Demise of such Tolls having been declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings and Premises, which shall have been demised to him or them, with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County, Liberty, or Place where such Toll House or Toll Houses, Buildings and Premises, shall be situate respectively, by Warrant under his Hand

For obtaining Possession of Toll Houses.

[Local.]

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and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings and Premises respectively in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees shall appoint, in Possession of the said Toll House or Toll Houses, Buildings and Premises.

On the Death of a Gate-keeper, how another is to be appointed until the next Meeting.

XIV. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint some other fit Person to be Collector in his or her Place until the next Meeting of the Trustees; which Person or Persons so to be nominated or appointed, shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person in whose room or stead he or she shall be so appointed, any thing in the said recited Acts or this Act contained to the contrary notwithstanding, but such Appointment shall continue in force no longer than until the Day of the next Meeting of the said Trustees; and that if any Collector or Collectors who shall be discharged from his or her Office by the said Trustees shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she held, occupied, or enjoyed in Right of his or her Appointment to that Office, within Four Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of any Two or more of the said Trustees; or if the Wife or Widow, or any of the Family of any such Collector who shall die as aforesaid; or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Toll House, Buildings, and Appurtenances, within Four Days after Notice of such new Appointment shall have been given to him, her, or them, or left at such Toll House, signed by any Two or more of the said Trustees; then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, Liberty, or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new-appointed Collector in Possession thereof.

If discharged Gatekeeper refuses to deliver up Toll House, &c. any Justice may cause him to be put out.

Exemption from Tolls in the former Acts repealed, and others granted.

XV. And be it further enacted, That from and after the Commencement of this Act all Exemptions from Tolls granted by the said recited Acts or either of them shall cease and be no longer allowed, and that in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Roads, or any of the Highways within the Parishes, Townships, or Ham-

lets in which the same respectively lie, or any Mud, Slush, Mould, Rubbish, or Soil of any Part of the same Roads, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or conveying to be sold, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners; or for any Horse, Cattle, Beast, or Carriage employed in carrying and conveying, or going empty to carry or convey, or returning from carrying and conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Seed, Corn for immediate sowing, or any Dung or other Manure to be used or laid upon Land (except Chalk or Turf Ashes, which shall continue liable to the Payment of Toll, pursuant to the Directions contained in the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty), or any Furze, Peats, Turf, or Heather for Fuel; or for any Horses or Cattle going to or returning from Pasture or Watering-places, or going to be or returning from being shod and farried; or from any Person occupying a Farm within any Parish in which a Toll Gate or Bar is erected, and necessarily going through such Toll Gate or Bar to the same Farm for agricultural Purposes only; or from any Person going to or returning from his or her proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon his other parochial or ministerial Duty; or for any Horse, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon the March or on Duty, or any Horses, Cattle, Beasts, or Carriages conveying their Arms or Baggage; 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; or for any Horse, Cart, Carriage or Beast, employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to vote or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Nottingham* and *Lincoln* on the Day or Days of 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 Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning 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 Exemptions as aforesaid: And if any Person or Persons shall in any fraudulent or collusive Manner whatever 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 Five Pounds, one Moiety whereof shall

go to the Informer, and the other Moiety thereof shall be applied for the Purposes of the said Acts and this Act.

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

XVI. 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, 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, or the Horse or Horses drawing the same, while so employed, 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 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 the said recited Acts or this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads contained to the contrary notwithstanding.

Gates not to
swing into the
Road.

XVII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads, shall be made and hung to open and swing inward toward such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, shall after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards, refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Surveyor to
get Materials,
making Com-
pensation.

XVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stone, Gravel, Sand, or other Materials proper for the repairing of the said Roads, out of and from any Commons or Waste Grounds, common Rivers and Brooks, in any Parish or Place in or through which the said Roads lie or pass, or any adjoining Parish, Township, or Place, without paying any thing for the same, such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot conveniently be had in such Commons or Waste Grounds, common Rivers or Brooks, within convenient Distance, then to dig, gather, take, and carry away any such Materials as aforesaid in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township, or Place in or through which the said Roads lie or pass, or any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Paddock, or a Plantation, or a Nursery for Trees; making such Compensation and Satisfaction for such Materials,
and

and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, common Rivers or Brooks, or Private Grounds, shall be conveyed, as any Two Justices of the Peace within their respective Jurisdictions shall, in case of difference between such Owners or Occupiers and the said Trustees, judge reasonable.

XIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person, under the Authority of this Act or any other Statute now in force, to take and carry away Stone or other Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for any such Owner or Occupier at his usual Place of Residence, to appear before any Two Justices of the Peace acting for the County, Liberty, or District where such Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and such Justices, after hearing the Parties concerned, shall, if they think meet, authorize any such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Stone and other Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupier.

XX. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Surveyor, or any other Person or Persons by him or by the said Trustees employed in digging, cutting, gathering, getting, or carrying away any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the said Roads, or topping, lopping, or cutting any Tree, Lop, Top, or Overhangings, or digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse, or in doing any other Act in pursuance and in the Execution of the said recited Acts and this Act or any of them, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Persons obstructing Surveyor in his Duty.

XXI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of the said recited Acts and this Act, or any of them, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, 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 there, *ex parte* the Trustees for executing 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

Application of Money when amounting to 200l.

[Local.]

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upon

upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the Court of 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being, have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

When less
than 20l.
and above 20l.

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

When under
20l.

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall
be

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 and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to or for the Use and Benefit of such Person or Persons so entitled respectively.

XXIV. 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 or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and 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 Sum or Sums of Money into the Bank as aforesaid.

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court.

XXV. 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 or 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 and Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest

Where any Question shall arise as to the Title to Money.

of

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

XXVI. Provided also, and be 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 this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute
Work.

XXVII. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Roads shall be and the same is hereby repealed; and that from and after the Commencement of this Act, all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part or Parts thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, or by their Order, or by the respective Surveyors of the Highways of any Parish, Township, or Hamlet through which the said Roads pass), 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, Hamlets, or Places in which the said Roads may lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Parish, Hamlet, or Place respectively, 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 their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, 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, Hamlet, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work (distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid); which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear
to

to be subject and liable to do 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 on such Parts of the said Roads, as the said Trustees or their Surveyors or Surveyor 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 or 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 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 authorized 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, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and 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 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 Ten Pounds.

XXVIII. And whereas Offences may be committed against the said recited Acts or this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they, any, or either of them, shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Liberty, or Place where such Offence or Offences shall be committed, without any Warrant or other Authority than this Act for so doing.

For securing
transient
Offenders.

[Local.]

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XXIX. And

Expences of
this Act.

XXIX. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest upon any Sum or Sums of Money which shall be borrowed or advanced for the Payment thereof, shall be paid out of the Money already collected or received, or to be collected or received, by virtue of the said recited Acts and this Act, upon the said Roads, in preference to all other Payments whatsoever.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

XXXI. And be it further enacted, That this Act shall commence and take effect upon the Day the same shall receive the Royal Assent, and shall be and continue in force from thenceforth 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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