



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. vi.

An Act for continuing the Term, and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing certain Roads therein mentioned, so far as relates to the Road leading from *Chappel Bar*, near *Nottingham*, to *Saint Mary's Bridge* in *Derby*, and from the *Guide Post*, in the Parish of *Lenton*, to *Sawley Ferry*.

[23d March 1819.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Roads from Grantham, in the County of Lincoln, through Bottesford and Bingham, to Nottingham Trent Bridge; and from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby; and from the Guide Post, in the Parish of Lenton, to Sawley Ferry; whereby the said Roads were divided into Two Districts, and the Roads leading from Chappel Bar, near the West End of the said Town of Nottingham, to Saint Mary's Bridge in or near the said Town of Derby, and to Sawley Ferry, were declared and should be deemed to be the Second District of the said Roads: And whereas an Act was passed in the Twentieth Year of the Reign of His present Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of so much of an Act made in the Thirty-second Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Roads from Grantham, in the County of Lincoln, through Bottesford and Bingham, to Nottingham Trent Bridge, and from Chappel Bar, near the West End of the Town of Nottingham,**

[Local.] M m tingham,

32 G. 2. c. 53.
20 G. 3. c. 73.

tingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry,' as relates to the Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, made in the Thirty-second Year of the Reign of His late Majesty King George the Second, and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening certain Roads leading to and from the Towns of Nottingham and Derby; so far as relates to the Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry: And whereas the Trustees, acting under and by virtue of the said several recited Acts, have made great Progress in repairing the said Road comprizing the said Second District, and leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry; and have borrowed a considerable Sum of Money on the Credit of the Tolls arising upon that Part of the said Road, which still remains due and cannot be paid off; nor can the said Second District of Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said recited Acts be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged, so far as the same relate to the said Second District of Road; but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clause, Tolls, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein respectively contained, so far as the same relate to the said Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry, and in the said first-recited Act called *The Second District* (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and together with this Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after granted, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this Act; which said additional Term hereby granted shall and is hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls and Duties arising upon the said Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post, in the Parish of Lenton, to Sawley Ferry, and of such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes of the said recited Acts (so far as relate to the said last-mentioned Road) and of this Act, and all Interest due and to grow due for the same respectively.*

Recited Acts
further con-
tinued.

II. And be it further enacted, That *George Allcock, Robert Almond Clerk, Richard Arkwright, Robert Arkwright, Charles Arkwright, William Blackwell, John Blatherwick, Francis Braithwaite, Joseph Braithwaite, Thomas Braithwaite, Joseph Burges, John Burges, Robert Burges, William Stanford Burnside, John Burnside Clerk, John Burrow, Richard Browne, Bryan Thomas Balguy, John Bing, Thomas Bent Doctor of Physic, Thomas Bingham, John Bingham the younger, George Bakewell, Leonard Chapman Clerk, William Charlton, Richard Cheslyn, Charles Choulor the younger, Robert Clarke, Sir Robert Clifton Baronet, Thomas Crowther, John Clarke Clerk, John Curzon, Roger Cox, Richardson Cox, William Thomas Cox, Samuel Walker Cox, John Cox, Sir Henry Crewe Baronet, Thomas Cox, Charles Clarke, George Henry Cox, Henry Cox, George Cox, Joseph Cade, James Cade, James Dale, William Duesbury, the Mayor and Recorder of Derby for the Time being, Frederick Duesbury, John Drury, William Evans, Samuel Evans, William Edwards, Thomas Eaton, Arthur Evans, William Tancred Fowler, Samuel Fox the younger, Robert Fleming Fell, Andrew Gideon Fisher, Alexander Foxcroft the younger, John Foxcroft, John Michael Fellows, Francis Gawthorn, John Gill, Robert Gill, John Godber, William Bennett Garlike Doctor of Physic, Thomas Gisborne, Alexander Hadden, John Hadden, Lawrence Hall, the Reverend John Hancock Hall, Marshall Hall, James Hewitt, William Hopkinson, John Hope, John Harrison, John Hall, Robert Holden, Cockshutt Heathcote, William Holland, William Drury Holden, Robert Holden the younger, Alexander Atkinson Holden, the Reverend Samuel Hey, Anthony Jackson, Francis Jeffopp, William Brook Johnson Doctor of Physic, John Fleming St. John Clerk, James Kewney, William Lacey, Alfred Lowe, William Lowe, Edward Ley, William Morley the younger, Charles Meaken, William Marsden Doctor of Physic, John Mills, Thomas Brown Milnes, Ashton Nicholas Mosley, Thomas Mellor, Sir Oswald Moseley Baronet, Ashton Moseley, Godfrey Meynell, Henry Mosley, Walter Moore, Charles Meaken the younger, John Nickleson Martin, George Need, Nathaniel Need, William Newton, Robert Leaper Newton Newton, James Oakes, Isaac Osborne, Thomas Pares, Thomas Pares the younger, John Pares the younger, Joseph Pickford Clerk, Edward Sacheverel Chandos Pole, Reginald Pole, Sinker Porter, Joseph Page, Samuel Parsons, Joseph Pearson, James Potter, Samuel Potter, Thomas Potter, William George Richardson, Martin Roe, Samuel Richardson Radford, James Severn, Charactacus D' Aubigney Shilton, John Skipwith, Thomas Slater, Henry Slight, Benjamin Smith, Henry Smith, John Smith Clerk, Thomas Smith, Octavius Stirland, James Blyth Simpson, John Burnett Stewart Clerk, John Stour, William Simpson Doctor of Physic, Thomas Ward Swinburne, Joseph Sandars, Francis Sanders, John Sandars, Joseph Douglas Strutt, George Benson Strutt, Francis Severn, Edward Strutt, George Henry Smith, William Tate, William Taylor, John Toplis Clerk, Samuel Tudor, the Honourable George Vernon, Edward Unwin Clerk, Sir Robert Wilmot of Chaddefden Baronet, Sir Robert Wilmot of Osmaston Baronet, Richard Rowland Ward Clerk, John White, John Wilkinson, Thomas Wilkinson Clerk, Henry Willoughby, John Wilson, and William Wright, shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts, so far as relate to the said Second District of Road from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Saint Mary's Bridge* in the Town of *Derby*, and from the *Guide Post*, in the Parish of *Lenton*, to *Sawley Ferry*; and the Trustees hereby nominated and their Successors, being qualified according to the Directions of the said first-mentioned Act*

and

Additional
Trustees.

and this Act, are hereby empowered to act in the Execution of so much of the said recited Acts as relate to the said Second District of Road, and of this present Act, as fully and effectually to all Intents and Purposes as if they had been named in or appointed by the said recited Acts, or any or either of them.

Power to appoint additional Trustees.

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

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, or any of them, unless he shall be qualified according to the Directions of the said first-recited Act, or be Heir Apparent of a Person possessed of an Estate in Land of the clear yearly Value of One hundred Pounds above Reprizes; and if any Person, not being qualified according to the Directions of the said first-recited Act and this Act, shall act in the Execution of the said Acts 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, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person had acted as a Trustee in the Execution of the said Acts and this Act.

Trustees to take Security from their Treasurer, Receiver, and Collectors.

V. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby directed and required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, already appointed, or to be elected and appointed by virtue of the said recited Acts and of this Act, or any of them, for the due Execution of their respective Offices.

Tolls to be paid but once a Day.

VI. Provided always, and be it further enacted, That the Tolls granted and continued by the said recited Acts and this Act shall not be demanded or taken at more than Two Toll Gates, in any One Day, from any Person or Persons, for or in respect of the same Horses or other Cattle upon the said Roads; such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Tickets to be provided denoting Payment of Tolls.

VII. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver, *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment; which Note or Ticket shall be provided by the said Trustees, and

and there shall be printed and specified thereon the Name or Names of the Gate or Gates freed by such Payment.

VIII. Provided always, and be it further enacted and declared, That no Toll shall be demanded or taken for or in respect of any Carriage, Horse, Cattle, or Beast 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, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Roads, or any other Roads in the several Townships, Parishes, Hamlets, or Places in which any Part of the said Roads are situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw, or Corn in or out of the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof, or for sowing therein; or for Faggots or Fire Wood, being the Produce of and cut from Lands in the actual Occupation of the Owner or Owners of such Articles respectively, and carried or conveyed for the proper Use and Consumption of such Owner or Owners; or for or in respect of any Carriage, Horse, Cattle, or Beast employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Ashes, or other Manure to be employed only in Husbandry for manuring or improving Lands, and not for printing, dyeing, or other Purposes of Trade; or for any Horses or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried, or employed in the ploughing, sowing, tilling, cultivating, or stocking any Land or Ground; or for or in respect of any Horse or Horses drawing any empty Waggon, Cart, or other Carriage going to or returning from being repaired; or from any Occupier of Lands going to or returning from his or her Farm or Farms; or from any Person going to or returning from his or her Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die, and be buried in any or either of the said Parishes; or from any Clergyman going to or returning from visiting sick Persons, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, 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 or returning back from conveying the same; or for any Horse or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; 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, Commissariat, or other Public Stores, of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or

[*Local.*]

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Volunteer

Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review; provided that such Persons are 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; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Lincoln, Leicester, Nottingham, or Derby*, or of a Burgess or Burgesses to serve in Parliament for the Town of *Nottingham, Derby, or Grantham*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin and be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by the said recited Acts, or any or either of them, or 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 for the Purposes of this and the said recited Acts.

Owners or Drivers of Waggon in the King's Service not subject to Penalties for Overweight.

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

Toll Collectors to put up their Names.

X. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any or either of them, upon the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or any or either of them, or shall demand and take a Toll from any Person

Person or Persons who shall be exempt from the Payment thereof; and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, paid, and applied in such and the same Manner as other Penalties are by the said recited Acts or this Act, or any or either of them, directed to be levied, recovered, paid, and applied.

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

For settling
Disputes
concerning
the Tolls.

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

Trustees not
to administer
Oaths on
verifying
Officers
Accounts.

XIII. 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 their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the

Accounts to
be kept of
Receipts and
Disburse-
ments.

the Inspection of the said Trustees, or any Creditor or Creditors on the said Tolls, 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 shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Clerk restrained from acting as Treasurer, and vice versa.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act or the said recited Acts, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Acts and this Act; or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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 Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Action or Ejectment may be supported by One Mortgage.

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

Gates not to open or swing into the Road.

XVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road shall be made and hung to open and swing inwards into such Field or Ground, and not outward towards the said Road; and it shall be lawful for the said Trustees or any Five or more of them to order all such Gates as are now erected or may hereafter be erected, and open and swing outward towards the said Road, to be altered and made to open and swing inward, as they the said Trustees or any Five or more of them shall think

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 outward towards the said Road shall (after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter such Gate or Gates, and make the same to open and swing inwards) refuse or neglect to make such Alteration, or after such Alteration shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, paid, and applied in Manner directed by the said recited Acts, or any or either of them.

XVII. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the said Trustees or any five or more of them to make or cause to be made such Causeways or Footpaths, on the Side or Sides of the said Roads or any Part or Parts thereof, as they shall think proper, and to place Posts, Rails, and Stones, or any or either of them, upon or by the Side or Sides thereof; and if any Person or Persons shall ride upon any such Causeway or Footpath, or upon any Causeway or Footpath already made, or shall suffer any Horse or other Beast or Cattle to graze upon the said Roads, or on the Footpaths on the Side or Sides thereof, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow or Truck thereon, or shall cause any Damage whatsoever to be done thereto, or to the Posts, Rails, or Stones laid upon or by the Side or Sides thereof, every Person for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered by Distrels and Sale of his, her, or their Goods and Chattels, in such and the same Manner as is directed for the Recovery of Penalties and Forfeitures in and by the said first-recited Act.

Power to make Causeways, &c.

XVIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Roads comprized in the said recited Acts, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any Thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Trustees not to deviate more than 100 Yards from the Line of the old Road without Consent.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, 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 recited 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

Application of Compensation Money where amounting to or exceeding 200l.

[Local.]

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said

said Lands, Grounds, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid affecting the same Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith, to the same or to 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 Direction and Approbation 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 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 or 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 said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 the 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 Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200l. and not less than 20l.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchased, taken, or used for the Purposes aforesaid, 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 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, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said 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 and Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20l.

XXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than

Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees or any Three or more of them 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.

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 any Three or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, 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 Three or more of them to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, to be placed to his Account, to the Credit of the Parties interested in the Lands, Grounds, and Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

Where any Question shall arise touching the Title to any Money paid into the Bank, Persons in Possession to be deemed entitled.

be

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; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery to
direct Pay-
ment of Ex-
pences.

XXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, 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 as aforesaid, and to be applied in the Purchase of other Lands, Grounds, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Three or more of them who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting
Materials to
make and
repair the
Road.

XXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook, or Pit in any Parish, Township, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Paddock, Walk or Walks, or Avenue to an House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees or any Five or more of them shall deem reasonable; and in case of any Difference between the
said

said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

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

Notice to be given to Occupiers of Inclosed Lands before Materials are taken therefrom.

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

Penalty on taking away Materials got by the Surveyor.

XXVIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place in which the said Roads do lie, and they are hereby required and empowered,

Statute Labour.

[Local.]

Pp

powered,

powered, upon Application made to them by the said Trustees or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways 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 Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, as the said Trustees or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons, who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of any such Parish or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures

and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or do not collect and pay the Sums due for Composition Money, every Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by the said recited Acts or this Act directed to be levied, recovered, paid, and applied.

XXIX. And whereas there are by the Sides of the said Road, in Parts where the same is narrow and incommodious, and under the Statute Width of Sixty Feet, sundry deep Ditches and Drains, which in their present State are inconvenient and dangerous, and the said Road would be greatly improved and rendered more commodious and secure to Travellers if such Ditches and Drains were filled up or removed; be it therefore further enacted, That it shall be lawful for the said Surveyor or Surveyors, by Order of the said Trustees or any Five or more of them, to underdrain or fill up all such Ditches and Drains by the Side of the said Road, in such Manner as they the said Trustees or any Five or more of them shall think proper, or to divert and make the same in the Inside of the adjoining Lands, doing as little Damage as may be, and paying or tendering Payment to the Owners or Occupiers of the said Lands and Grounds for any Damage or Injury done thereto; and in case of any Difference between the said Trustees and such Owners or Occupiers concerning such Damages, then and in such Case any Two Justices of the Peace of the County or Place where such Lands or Grounds shall be, within Twenty-one Days next after such Difference shall arise, and on Two clear Days Notice thereof, to be given by the Surveyor of the said Roads to such Owner or Occupier, or by such Owner or Occupier to the said Surveyor, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same: Provided always, that nothing herein contained shall authorize the said Trustees to enter upon, or to take or make use of, for the Purposes aforesaid, any Yard, Garden, Orchard, Park, Paddock, Plantation or Nursery of Trees, without the Consent of the Owner or Occupier thereof respectively for the Time being, in Writing first had and obtained.

Drains to be altered and made more convenient.

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

For securing transient Offenders.

shall have been committed; and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

XXXI. And for the more easy and speedy Conviction of Offenders against the said recited Acts or this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts or this Act, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect. (as the Case may happen), and shall not be obliged to set forth the Evidence at Length; (that is to say),

Form of
Conviction.

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

For paying
the Expences
of the Act.

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

Public Act.

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

Continuance
and Term of
Act.

XXXIV. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said last-recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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