Anno tricesimo secundo

# Georgii II. Regis.

An Act for repairing and widening the High Road leading from the Town of *Mansfield* in the County of *Nottingham*, through the Towns of *Pleasley*, *Glapwell*, *Heath*, and *Normenton*, and the Liberty of *Hasland*, to the Turnpike Road leading from the Town of *Derby*, to the Town of *Chesterfield* in the County of *Derby*.

WHEREAS the High Road leading from a Place called Dial Hill, near the West End of the Town of Mansfield in the County of Nottingham, through the Towns of Pleasley, Glapwell, Heath, and Normenton, and the Liberty of Hasland, to the Turnpike Road leading from the Town of Derby to the Town of Chesterfield, in the County of Derby, is, by reason of the heavy Carriages frequently passing through the same, in a ruinous Condition, especially in the Winter Season, and, in many Places, very narrow and incommodious, so that Carriages are frequently hindered and delayed in the said Road: And whereas the said Road cannot, by the ordinary Course appointed by the Preamble.

Laws now in Force, be effectually amended and widened: And whereas by an Act passed in the Twelfth Year of the Reign of His present Majesty, intituled, An Act for repairing the Roads from *Bakewell* to *Chesterfield*, in the County of *Derby*, and from *Chesterfield* to *Worksopp*, in the County of *Nottingham*; and from *Chesterfield* to a Place where the Northern Road meets the *Chesterfield* Road which leads to *Mansfield*, in the said County of *Nottingham*, Trustees were appointed, and Tolls directed to be levied, for the effectual Amendment and Repair of the said Roads: And whereas the said Act is near expiring, and nothing hath yet been done, or is likely to be done, for putting the said Act in Execution, as far as relates to the said Road leading from Mansfield to Chesterfield; and if this Part of the Road was vested in a separate Trust, it might be effectually widened and repaired; May it therefore please your most Excellent 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,

Act 12 *Geo.* II.

Trustees Names.

That the Right Honourable George Cavendish Esquire, commonly called the Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called the Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called the Lord John Cavendish; the Right Honourable John Manners Esquire, commonly called Marquis of Granby; the Right Honourable Robert Sutton Esquire, commonly called the Lord Robert Sutton; the Right Honourable William Bentinck Esquire, commonly called Marquis of Titchfield; the Right Honourable Edward Bentinck Esquire, commonly called the Lord Edward Bentinck; Sir George Smith, Sir Henry Hunlocke, Sir George Savill, Sir Charles Molyneux, Sir Charles Sedley, the Reverend Sir John Moseley, Sir Willoughby Aston, Baronets; Samuel Allen, Charles Bellamy, John Birch, Martin Bird, Gervase Boseville, Doctor Henry Bourne, John Bowden, John Brailsford, Joseph Briggs, Francis Broadhurst, Edward Brocksop, John Brocksop, the Reverend Master Brown of Warsop, George Burden, the Reverend William Burrow, George Burton, Job Staunton Charlton, the Honourable George Byron, William Chaworth of Annesley, William Chaworth of Baseford, Godfrey Clarke, Godfrey Clarke junior, Thomas Clarke, William Clarke of Hardwick, the Reverend William Clarke, Richard Clay, Thomas Clegg, William Cossen, Thomas Cossen, Christopher Cotton, Thomas Cotton, William Cowley, Edward

Edward Dawson, William Dickens, John Dowdeswell, William Downend, John Dakeyne, Clement Ellis, Gervas Gardiner, Henry Gladwin the younger, John Gladwin, John Hall, Urban Hall, Robert Hallifax, Brabazon Hallows, the Reverend Master Chaworth Hallows, William Hallows, William Harding, James Hardwick, the Honourable Robert Harley, the Honourable and Reverend William Harley, George Hayes, Matthew Heath, Henry Heath, the Reverend Eleazar Heywood, Godfrey Heathcote, Godfrey Heathcote junior, John Hewett, Roger Hill, Thomas Hollins, John Hopewell, Colonel How, Windsor Hunlocke, Robert Hunlocke, James Hunlocke, George Hurst, Joshua Jebb, Avery Jebb, Ralph Knight, William Kyte, Bossall Leatham, Jonathan Lee, John Litchfield, Doctor Edmund Litton, William Allwood Lord, Thomas Lucas, Bernard Lucas, Thomas Lucas junior, James Lynam, John Manners, Richard Marriott, Walter Mather, Joseph Mellar, James Milnes, the Reverend Edward Moises, William Molyneux, Francis Molyneux, John Naylor, William Newisholme, Robert Newton, Daniel Newton, Lancelot Newton, Nathan Newton, the Reverend Edward Orter, William Paulson, Strelly Pegge, the Reverend Septimus Plumptre, Thomas Reynolds, Joshua Rieklifs, Gilbert Rhodes, the Reverend John Rollestone, Thomas Sales, William Saunders, the Reverend William Saunders, George Senior, Joseph Senior, John Shelley, William Sherrington, Francis Simes, John Simes, George Simes, John Simes junior, William Simes, the Reverend Francis Simes, Richard Slator, Adam Slater, Thomas Slater, Francis Slater, Abel Smith, Thomas Sparrow, Arthur Charles Stanhope, Charles Staniford, Bryan Stanton, Richard Stenton, William Storrs, William Sutton, William Thompson, Richard Thompson, Henry Thornhill, John Thorpe, Robert Thorpe, William Toplis, John Trueman, John Twigge of Staley, Nicholas Twigge of Holme, Nicholas Twigge of Chesterfield, William Villa, Real John Warsop, Robert Waterhouse, John Watson, Godfrey Webster, Thomas Webster, Paul Webster, the Reverend Master William Webster, Joshua Weldon, James West, William Wheeler, John White, Richard Whitehouse, Benjamin Wilcocks, Richard Wilkinson, John Wilkinson, John Wilkinson of Hilcot, Stephen Wilkinson, Stephen Wilkinson of Scegby, Robert Wilkinson, William Wilson, Charles Wright, William Wright Merchant, William Wright, Robert Wright, and the Reverend Master Wright of Romley, shall be, and they are hereby appointed Trustees for putting this Act in Execution; and they, and the Survivors of them, or any Five or more of them, or such Person or Persons

Trustees may erect Turnpikes and Tollhouses,

Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, such Gates or Turnpikes in or cross any Part or Parts of the said Road, and also Toll-houses near the same, and shall receive, at every such Gate or Turnpike, the Tolls and Duties following, before any Horse, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Hearse, Berlin, Landau, Chariot, Chaise, Calash, or Chaise Marine, drawn by Six Horses, or other Beasts, the Sum of One Shilling and Six Pence; and drawn by Four Horses or other Beasts, the Sum of One Shilling; and drawn by Two Horses or other Beasts, the Sum of Six Pence; and for every Chaise or Chair, drawn by One Horse or other Beast, the Sum of Three Pence; and for every Waggon, Wain, Cart, or other Carriage, drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse or Beast of Draught, the Sum of Three Pence.

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

For every Pair of Mill Stones, or Block of Stone or Timber, drawn by Five or more Horses or Beasts of Draught, Two Shillings and Six Pence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Monies so to be raised are hereby vested in the said Trustees, and the same and every Part thereof, shall be applied, disposed of, or assigned to and for the amending, widening, and keeping in repair the said Road, and to and for such Uses and Purposes, and in such Manner as herein after is mentioned (the reasonable Charges expended in, about, or by reason of passing this Act of Parliament being first deducted and paid) and it shall and may be lawful to and for the said Trustees, or any Five

Tolls may be levied by Distress and Sale.

or

or more of them, and such Person or Persons as they, or any Five or more of them, under their Hands and Seals shall, from time to time, appoint, to levy the said Tolls or Duties, upon any Person or Persons, who shall (after Demand made thereof) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle upon which any Toll or Duty is by this Act imposed, or by Distress of any of the Goods and Chattles of such Person or Persons; and if such Tolls shall not be paid within the Space of Four Days, such Person or Persons so distraining may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Toll or Duty and all reasonable Charges shall be deducted.

Distress may be sold, after 4 Days.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Eleven or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, to lessen and reduce the Tolls and Duties by this Act made payable at any Turnpike or Toll-bar, and to order and direct the same to be collected, received, and taken, in such Manner, Parts, and Proportions, as they shall think proper; and also if the said Trustees find it necessary to raise and increase again the said Tolls and Duties, so that the same do not exceed the Tolls and Duties granted and made payable by this Act; provided always, that Twenty Days Notice shall be given of every Meeting to be held by the said Trustees for the Purposes aforesaid.

Trustees, with Consent of the Creditors, may lessen the Tolls,

and raise them again.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning or occupying any Land near to any Turnpikes which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle; or if any Person or Persons shall with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, pass through any such Gate, Passage, or private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls or Duties; or shall leave, or cause to be left, upon, or near to the said Road, any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon,

Penalty on Persons permitting, or going through, private Passage,

or taking off Horses, &c.

Waggon, Wain, or other Carriage, Horse, or any other Cattle, with such Intent as aforesaid, every Person so offending in any of the Cases aforesaid, shall forfeit the Sum of Twenty Shillings.

to avoid Payment of the Tolls.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Sides of the said Road, and at the End of, or cross any Lane or Way, leading into, or out of the same, and there to receive such Tolls as are appointed by this Act to be taken, so as the same be not paid more than Once in One Day, in case of passing through any other of the Turnpikes or Gates.

and take Tolls thereat.

No Turnpike to be removed, but by Order of the Trustees.

Provided also, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike to be erected or set up by virtue of this Act, shall, at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the Trustees, or any Seven or more of them; and whereof Ten Days Notice shall be given in Writing by the Clerk or Clerks to the Trustees, under his or their Hand or Hands, to be affixed on all the Turnpikes to be erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

No Toll on Election Days.

Provided also, and it is hereby enacted, That no Toll shall be taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Nottingham or Derby, on the Day or Days of such Election.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Twenty Days Notice to be given thereof, by Writing affixed upon all the Turnpikes erected by virtue of this Act, from time to time, to assign, lease, demise, lett, farm, or set out, for any Term not exceeding Five Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Nine or more of them, shall think fit; which Monies shall be applied as the said Tolls and Duties are directed to be applied, and to no other Use whatsoever.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes,

pikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials for building the same, and for repairing the said Road, shall be vested in the Trustees appointed or to be appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treasurer for the time being, or to prefer Bills of Indictment against any Person or Persons who shall disturb them in the Possession of the Property thereof. Property of the Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may choose a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same be repaired, and also such other Officers as they shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in case of Death or such Removal; and the said Tolls or Duties shall be paid after the Rates aforesaid, to such Persons as shall be so, from time to time, appointed to receive the same; and the Persons so appointed to receive the said Tolls or Duties, and also such Surveyors, and all Persons any ways employed by or under them, or any of them, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of such said Trustees are hereby impowered to administer) on the First Tuesday in every Month, or oftener, if the said Trustees, or any Five or more of them, shall so require, give in a true, exact, and perfect Account in Writing under their respective Hands, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices (for which Oath no Fee or Reward shall be taken) and in case any Money so received shall remain in the Hands of such respective Persons, or any of them, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out according to the true Meaning of this Act; and the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the said Tolls or Duties, make such Allowance to the said Trustees may appoint Officers; and remove them, and appoint others. Officers to account upon Oath. Trustees to allow Officers Salaries.

said Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Road to be amended, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case such Collectors, Surveyors, or other Persons, or any of them, shall not give in such Account, and make such Payment as aforesaid, that then, any One or more Justice or Justices of the Peace for any Division in which any Part of the said Road doth lie, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward) and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Officers not accounting, to be committed.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Road, out of any River or Brook, or out of any Waste or Common Grounds, in any Parish, Town, Village, or Hamlet, wherein or near which the said Road doth lie; and for want of a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Persons, so appointed by him or them, shall and may dig, gather, and take away the same, out of any River or Brook, or out of or from any Waste or Common Ground, in any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for such Materials: And if there are not sufficient Quantities of such Materials in any such Rivers, Brooks, Common or Waste Grounds, it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the Trustees, or any Five or more of them, for that Purpose) to dig, gather,

without paying for the same;

and where sufficient Materials are not to be there had, they may be taken from private Grounds;

ther,

ther, and take away, such Materials, in the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, or planted Walk or Walks, or Avenue to a House) paying such Rates for such Materials to the Owners or Occupiers of the Ground, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, the Justices of the Peace at the next General Quarter Sessions to be holden for the County where the Matter in Dispute shall arise, shall and may examine Witnesses upon Oath, and adjudge and finally determine the same; from which Determination there shall be no Appeal.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time to remove and prevent all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, or otherwise, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper and necessary, and to make any new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Park, Paddock, Yard, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees, and to cut down, lop or top any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes, as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to cut down and carry away such Trees or Bushes, or to remove such other Annoyances, as aforesaid, to be recovered, levied, and disposed of, in such Manner, as the Penalties and Forfeitures are herein after directed to be recovered, levied, and disposed of; and if after Removal of any of the said Annoyances, any

Surveyors may remove Annoyances,

turn Watercourses,

cleanse Ditches, &c.

cut down Bushes, &c.

the Owners neglecting to remove the same after Notice,

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit unto the said Trustees the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, or such Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways, and also Ditches and Drains in and upon the said Road, and through any Grounds lying contiguous thereto, and

erect Bridges, and widen the narrow Parts of the Roads;

to erect Bridges or Arches upon the said Road, and also to widen any of the narrow Parts of the said Road, by opening, clearing, or laying into the said Road, any Grounds of any Person or Persons lying contiguous to the same (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House) so as such Parts of the said Road do not exceed in Width Twelve Yards; and also to make, or cause to be made, a Road through the adjoining Grounds of any narrow or ruinous Part of the said Road, to be made use of by all Passengers with Cattle, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old narrow or ruinous Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through which any such Drains shall be cut, or on which any such Arches or Bridges shall be made, or which shall be so laid into the said Road, or through which any such Temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions for the Counties of Nottingham or Derby, in their respective Counties, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained, as aforesaid; and

Trustees may contract for the Purchase of Lands to be taken into the Roads.

in case the Trustees shall think proper to alter the Path of any Part of the said Road, be it further enacted, that the Trustees, or any Nine or more of them, shall have full Power from time to time, to contract with

any Owners, Occupiers of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Damage they may sustain by the widening, turning, or altering, of any Part of such Road; and out of the said Tolls, or of the Money borrowed on the Credit thereof, to pay for such Grounds or Hereditaments, or for such Damage, as aforesaid; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, and all other Persons, to contract and agree with such Trustees for such Purchase or Recompence, as aforesaid; and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and such Grounds and Hereditaments over which the said Road shall be so turned, shall be deemed a Publick Highway, and be from thenceforth Part of the said Road for ever after; and the Grounds constituting the former Road, shall be vested in and sold by the Trustees, or any Nine or more of them, for the best Price that can be got for the same; and the Money arising thereby shall be applied in the repairing of the said Road; and the Sale and Conveyance of such Grounds being executed by any Nine or more of the Trustees, and inrolled with the Clerk of the Peace for the County wherein such Lands shall respectively lie, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

Lands when purchased to be deemed a Publick Highway.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted, will not be sufficient for the speedy amending of the Road hereby directed to be repaired; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties, or any Part thereof, collected on the said Road (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of the said Tolls or Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by or out of the Monies

Tolls may be assigned for Money borrowed.

arising or to be collected by the said Tolls or Duties, with such Interest for the same as the said Trustees or any Nine or more of them, shall think fit and agree upon; which said Money so borrowed, shall (after paying the Expences of obtaining this present Act) be applied and disposed of, as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and that all and every the original Mortgage and Mortgages, Assignment and Assignments so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward; but no Meeting shall be held for the Purpose of borrowing Money, by the said Trustees, upon the Credit of the said Tolls, unless Twenty Days Notice of such Meeting be given by Writing affixed upon all the Turnpikes to be erected by virtue of this Act.

Assignments to be entered in a Book.

And it is also further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments shall be made, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Deed or Writing under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer such Security or Securities, by Writing, without any Stamp thereon; and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; and in case any Sum so assigned shall not exceed the Sum of One hundred Pounds, it shall and may be lawful to and for the respective Person or Persons then intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without any Entry to be made with the Clerk or Treasurer, and so toties quoties as often as they shall think fit; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like

Assignments may be transferred, and the Manner of doing so.

like Manner assign the same again, and so toties quoties, and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof, or do any Act to the Prejudice of his Assignee, or any subsequent Assignee.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted and declared by the Authority aforesaid, That no Person who shall have paid Toll for passing through any Turnpike to be erected by virtue of this Act, shall, upon producing a Note or Ticket, denoting such Payment, be subject to the Payment of Toll for afterwards passing through the same Turnpike the same Day, or before Twelve of the Clock in the Night of any such Day, with the same Cattle, Coach, Waggon, or other Carriage; which said Note or Ticket the Collectors of the said Tolls are hereby required to give gratis.

Exemption.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That this Exemption shall not extend, or be construed to extend, to any Horse, Mare, Gelding, Mule, or Ass, Waggon, or other Carriage, laden with Coals or Lead, that shall have been laid down near the Toll-bar, in order to avoid the Payment of the Toll more than Once, by being carried through the said Bar in the same Day, but that such Cattle, Waggon, or Carriage, so laden, as aforesaid, shall pay as often as they shall pass, and repass; any thing herein contained to the contrary notwithstanding.

Tolls to be paid Twice between *Mansfield* and *Chesterfield*; and but Once between *Mansfield* and *Heath*, and *Chesterfield* and *Glapwell*.

And be it further enacted and declared by the Authority aforesaid, That the before-mentioned Tolls shall be paid Twice and no more between the said Town of Mansfield and the said Town of Chesterfield; but only Once and no more between the said Town of Mansfield and the said Town of Heath; and only Once and no more between the said Town of Chesterfield and the said Town of Glapwell; any thing herein contained to the contrary in any wise notwithstanding.

Penalty on disposing of Tickets to evade Payment of the Tolls.

And be it enacted by the Authority aforesaid, That if any Person or Persons having paid any of the said Tolls or Duties, by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer or dispose of the same, to any Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so offending or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, shall respectively forfeit the Sum of Twenty Shillings, One Moiety whereof shall go to the Informer,

and

and the other Moiety shall be applied towards the repairing of the said Road.

Persons and Things exempted from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Tolls or Duties shall be demanded or taken for any Cattle or Carriage, laden with Gravel, Stones, or other Materials, for repairing the said Road, or any Road in any of the Townships or Hamlets in which the same do lie, or in any of the next adjoining Townships or Hamlets, or any Dung, Mould, Soil, Marl, Chalk, Lime, or Compost, for manuring the Grounds within the same Township or Hamlet, or within any Township or Hamlet adjoining to the said Road, or laden with Grain, Hay, Saintfoin, Fodder, Straw, Corn in the Straw, to be laid up in the Houses, Barns, Outhouses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use and Consumption, in the several Townships or Hamlets in which any of the said Gates or Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; or for any Ploughs, Harrows, or other Implements of Husbandry, to be used for the tilling or stocking of any Lands, in any of the Townships or Hamlets in which such Gates or Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within such said several Townships or Hamlets; nor for any Post Horse carrying the Mail or Packet, or Horses of any Soldiers passing who are upon their March, or for Horses or Carriages belonging to, and passing with them, or carrying their Baggage, or for Horses or Carriages travelling with Vagrants sent by Pass; nor shall any Toll be paid by any Inhabitant of any of the said Townships or Hamlets, for passing to or from their respective Church or Chapel, or other Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Townships or Hamlets: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings, whereof; One Moiety shall be applied to the Use of the Informer, and the other Moiety towards amending the said Road.

Penalty on making illegal Claims.

Persons chargeable to the Highways to continue to.

Provided also, and it is hereby enacted, That all Persons who by Law are obliged to do Statute-work, or are chargeable towards amending the said Road, shall still remain liable and chargeable to do their respective Works

in the Parishes in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and required to summon the Surveyor or Surveyors of the Highways for the respective Townships or Hamlets, wherein any Part of the said Road lies; and in case no Surveyor or Surveyors is or are appointed for such Townships or Hamlets, then to summon the Churchwardens or Overseers of the Poor of such Townships or Hamlets, to bring in Writing before such Trustees, or any Five of them, upon Oath (which Oath any One or more of them is and are hereby impowered to administer) within fifteen Days after such Summons, a List of the Names of the several Persons who within each Township or Hamlet respectively are obliged by Law to do their Statute-work for that Year with Teams and Draughts, or otherwise, as also the Number of Days Work which each Person ought to do on the Roads, in their several Townships or Hamlets respectively; Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, in such Manner, and in such Part of the said Road, as the Trustees, or any Five or more of them, shall, from time to time, direct and appoint; and

Penalty on Persons not performing Statute-work.

if any Person shall neglect or refuse to do such Statute-work, every such Person for every Day he or she shall make Default, shall forfeit the Sum of Ten Shillings for each Team or Draught, and every Householder and other Person shall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default; and in case any

Penalty on Surveyors neglecting to deliver in such Lists, &c.

of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to give in a List of the Names as aforesaid, to such Trustees, then every such Surveyor, Churchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Composition-money how to be recovered.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes (by and with the Consent of the Inhabitants of such Parishes, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise, with the Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by the Inhabitants of any such Parishes, upon any Part of the said Road; and if such or any future

Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid or levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways; and in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the Counties of Nottingham or Derby, within their respective Counties (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering such Person to by the said Trustees, or any Five or more of them) appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways for the time being of the said Parish or Parishes respectively; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be applied towards amending the said Road, and to no other Use or Purpose whatsoever.

Trustees may compound with Travellers.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered to compound or agree with any Person or Persons usually travelling the said Road (except Persons carrying Goods for Hire) for any Sum or Sums of Money to be paid annually or otherwise, in lieu of the said Tolls or Duties granted by this Act.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall direct, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to such Trustees shall seem meet; and if any Person shall wilfully and maliciously break or pull up any of such Stones or Posts,

or any Part thereof, which shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied and recovered in such Manner, as the Penalties and Forfeitures are herein after directed to be levied and recovered, and shall be laid out and applied in repairing such Stones or Posts, or in supplying of new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Road directed to be repaired by this Act; and in case such Offender shall have no Goods and Chattles, then it shall and may be lawful for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said Counties of Nottingham or Derby, by Warrant under their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the House of Correction for the County where the Offence shall be committed, for the Space of One Calendar Month, or until he or they shall have paid the said Sum of Forty Shillings.

Penalty on defacing Milestones, &c.

For want of Distress, Offender to be committed.

And be it enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hands and Seals of the said Trustees, or any Five or more of them, or of Two or more Justices of the Peace for the said Counties of Nottingham or Derby respectively; which Warrants the said Trustees, or any Five or more of them, or the said Justices, are hereby respectively impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Trustees, or any Five or more of them, or the said Justices, are hereby impowered and required to administer;) and the Penalties and Forfeitures (when recovered) after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied, if not otherwise directed to be applied by this Act, for and towards amending the said Road.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath

Persons aggrieved may appeal to the Quarter Sessions.

hath been already hereby appointed, it shall and may be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said Counties of Nottingham or Derby respectively, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way, and if they see Cause, may, by Order of such Sessions, mitigate at their Discretion, all or any of the Penalties aforesaid, or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgements, in regard to the Premisses, as they shall think right and reasonable.

Proceedings not to be quash'd for want of Form,

Provided also, and be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of his Majesty's Courts of Record at Westminster, until such Proceedings shall have been first removed to, and Judgement and Determination given and made thereupon, by such Quarter Sessions of the Peace; and that no Writ of Certiorari shall be issuable to remove the Record of any such Conviction from the said General Quarter Sessions, or to remove any other Proceedings of the said Quarter Sessions touching such Conviction, into any of his Majesty's Courts of Record at Westminster, until Security be given to the Prosecutor in the Sum of One hundred Pounds, to prosecute and pay the Charges to be ascertained by the Court to which such Proceeding shall be removed, in case such Conviction shall be confirmed.

nor removeable by *Certiorari*,

until Security be given to prosecute.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers hereby given, shall take Place and have Continuance only from and after the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; but if at any Time before the Expiration of the said Term, all the said Road directed by this Act to be repaired shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said Counties, at their General Quarter Sessions to be holden for the said Counties, that then, and from and after such Adjudication made, and Repayment of all Money due and owing on Account of this present Act, the aforesaid Tolls

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

Tolls or Duties, and Powers hereby granted and given, shall from thenceforth cease and determine; any thing herein contained to the contrary notwithstanding.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die or refuse to act, it shall be lawful for the surviving Trustees, or any Nine or more of them, from time to time, to elect and appoint One or more fit Person or Persons living in the Counties of Nottingham or Derby, in the Room of such Trustee or Trustees so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving Trustees, and they are hereby impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act and do.

10 Days Notice to be given of such Election.

Time and Place of Trustees Meeting.

And be it further enacted, That the Trustees hereby appointed, or any Five or more of them, shall meet at the House of Master John Simes, known by the Sign of The Swan, in the said Town of Mansfield, upon the Second Thursday after the passing of this Act, and shall proceed to the Execution of this Act; and shall adjourn themselves, and afterwards meet at the House of Master William Cowley, known by the Sign of The Old Angel, in the said Town of Chesterfield; and afterwards shall meet as often as it shall be necessary for putting this Act in Execution; and if there shall not appear at any such Meeting, a sufficient Number of Trustees to act, the Clerk or Clerks to the said Trustees shall and may adjourn the said Meeting, by publick Notice in Writing to be fixed at or on all the Turnpike Gates which shall be erected by virtue of this Act, at least Seven Days before such Meeting; and the Trustees at the First and every subsequent Meeting shall defray their own Expences.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided nevertheless, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, who is not in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or is possessed of, or intitled to, a Personal Estate, to the Amount of One thousand Pounds; and if any Person so made incapable shall presume to act, every such Person, for every such

Qualification of Trustees.

Penalty on acting, if not qualified.

Offence, shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or before the Judge or Judges of Assize for the said Counties of Nottingham or Derby; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers, as the said Trustees, or any Five or more of them, shall think fit.

No Trustee to accept of a Place of Profit arising from the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee shall have any Place of Profit arising out of, or by Reason of the Tolls or Duties hereby laid, but every such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Innholder, Victualler, or Person who shall sell or retail any Spirituous or Fermented Liquors, shall be capable of holding or enjoying any Office or Place of Trust by virtue of this Act.

Victuallers, &c. not to have a Place of Profit.

Trustees in the Commission of the Peace may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for the said Counties of Nottingham or Derby, shall and may nevertheless act as Justices of the Peace for the more speedy and effectual putting in Execution the several Powers hereby given.

Proceedings to be entered in a Book,

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any Five or more of the said Trustees; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments, shall and may be produced and read in Evidence in all Cases of Appeals in Suits or Actions, touching any Thing done in pursuance of this Act.

and signed by the Clerk.

Book may be read in Evidence.

Writings to be without Stamps.

Provided also, That no Writing whatsoever under the Hand and Seal of, or only signed by, any of the Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching the Execution of any Power or Authority hereby granted, shall be chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid or brought in the said Counties of Nottingham or Derby, where the same shall have arose, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants, and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants have or hath in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and be adjudged and taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.

Book may be