Anno triceſimo ſecundo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Chappel Bar*, near the Weſt End of the Town of *Nottingham*, to *New-haven*; and from *The Four-Lane-Ends* near *Oakerthorpe*, to *Aſhborne*; and from the Croſs Poſt on *Wirkſworth Moor*, to join the Road leading from *Cheſterfield*, to *Chappel-en-le-Frith*, at or near *Longſton* in the County of *Derby*; and from *Selſton*, to *Anneſley Woodhouſe* in the County of *Nottingham*.

WHEREAS the Roads leading from Chappel Bar, near the Weſt End of the Town of Nottingham, through Nuthall, Watnall Moor Green, and Selſton, in the County of Nottingham, and through Alfreton, Weſſington, Matlock, Snitterton, Wenſley, and Winſter, to Pikehall, and there croſſing the Road which leads from Pikehall, to Hurdlow; and from ſuch Road, to New Haven in the County of Derby; and from The Four-Lane-Ends, near Oakerthorpe, over Watchſtannell Bridge, commonly called Hotſtandall Bridge, to Aſhborne; and Preamble.

and from the Cross Post on Wirksworth Moor, through Cromford, by Matlock Bath, through Bakewell, to join the Road leading from Chappel-en-le-Frith, at or near Longston, in the said County of Derby; and from Selston, to Annesley Woodhouse in the said County of Nottingham, are in a ruinous Condition, and, in several Parts, very narrow and incommodious, and the said Roads cannot be effectually amended and kept in Repair by the ordinary Course provided by Law; 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 Most Honourable John Manners, commonly called Marquis of Granby, the Right Honourable Richard Lord Viscount Howe, in the Kingdom of Ireland; the Right Honourable John Lord Pollington, in the Kingdom of Ireland; the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable Robert Sutton, commonly called Lord Robert Sutton; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; the Right Honourable George Manners, commonly called Lord George Manners; the Honourable Thomas Willoughby, the Honourable William Howe, Sir Willughby Aston Baronet, Anthony Allen, Robert Allybrook, the Reverend Scrope Berdmore D. D. Levett Blackborne, William Bilby, the Reverend William Burrow, the Reverend Benjamin Burrow, the Reverend Obediah Bourne, Francis Barber, George Bonsall, Benjamin Barker, George Bacon, John Boot, Joseph Boot, Joseph Bryan, Joseph Briggs, John Botham of Rybar, Isaac Bourne, John Barker, George Bradley, Samuel Beard, Robert Bright, Henry Bradley, Sir Nathaniel Curzon, Sir Robert Clifton, Baronets; Edmund Crynes M. D. Godfrey Clarke, Wenman Cook, Atherton Curzon, Langford Collin, William Cotton, William Chaworth, William Chaworth of Basford, Charles Chaworth, Job Staunton Charlton, Thomas Charlton, the Reverend Edward Chappell, the Reverend Anthony Carr, William Chappell, Christopher Colclough, Samuel Colclough, John Curtis, John Calton, George Calton, John Clark, Richard Clay, Thomas Clay, Joseph Clark, William Clark, Robert Dale, Thurston Dale, James Dymock, Thomas Dodd, Jonathan Dannah, John Downing, Sir John Every Baronet, Henry

Trustees Names.

Henry Eyre, Ralph Edge, Robert Evans, John Eaton, George Evans, William Elliot, William Edge, John Egginton, William Fitzherbert, Richard Fitzherbert, the Reverend John Fitzherbert, the Reverend Thomas Fidler, James Fitzherbert, John Farnworth, Anthony Foxlow, William Fidler, Thomas Fletcher, Alexander Foxcroft, John Foxcroft, William Fox, Thomas Froggatt, Philip Gell, John Gisborne the younger, George Gregory, the Reverend Thomas Grove, Anthony Gallimore, John Greasley, Thomas Gell, John Gregory, Edward Green, William Goodwin, James Grove, Joseph Gould, Sir Henry Harpur, Sir Henry Hunlocke Baronets; Caleb Hardinge M. D. Emanuel Halton M. D. John Hewett, John Howe, William Horne, Thomas Holland, Robert Banks Hodgkinson, Windsor Hunlocke, Robert Hunlocke, James Hunlocke, Richard Hayne, Robert Halden, Brabazon Hallows, Robert Holden of Sutton, Robert Huish, Mark Huish, Richard Hale, the Reverend Cornelius Horne, the Reverend Miles Halton, the Reverend Ralph Heathcote, the Reverend Chaworth Hallows, Godfrey Heathcote, Viccars Hunter, James Huthwaite the younger, Christopher Holmes, Samuel Hunt, Richard Hale, Edmund Hodgkinson, James Hopkinson, John Hunt, John Hopkinson, William Hopkinson, Hill, George Holland, Francis Hurt the younger, Charles Hurt, Nicholas Hurt, Anthony Holmes, Matthew Immins, John James, Joseph James, John Johnson, Francis Johnson, William Jackson, John Key, the Reverend Richard Kirby, Jonathan Kendall, John Kensall, Sir Matthew Lamb Baronet, John Lowe, John Lyster of Syfonby, Benjamin Lomas, James Lupton, Robert Lee, James Lavarach, Samuel Lowe, William Lowe, John Longden, Lemuel Lowe, William Lowe of Bilborough, Philip Launder, Cornelius Launder, Robert Leacroft, Godfrey Meynell, Hugo Meynell, Wrightson Mundy, Edward Mundy, Francis Mundy, Richard Milnes of Dunston, John Monk Morgan, Charles Montague, Mundy Musters, Robert Musters, William Milnes, George Morewood, the Reverend Malkin, Walter Mather, John Mugglifton, Thomas Moor, Bakewell Machin, William Morley, David Melvin, Charles Morley, George Moor, the Mayor and Aldermen of the Town of Nottingham for the time being, Francis Newdigate, John Newton, the Reverend Thomas Nixon, Launcelot Newton, John Newball, Emanuel Newton, Peter Nightingale, Peter Nightingale the younger, George Norman, James Norman, Leake Oakeover, Edmund Outram, Joseph Outram, Samuel Oldham, Thomas Oldham, Thomas Oldknow, John Oldknow, Sir William Parsons, Sir

Thomas Parkyns, Baronets; John Plumptre, the Reverend Charles Plumptre, D. D. the Reverend Robert Plumptre, Polydore Plumptre, Francis Plumptre, John Parsons, George Parkyns, Germain Pole, German Pole the younger, Sacheverel Pole, Strelley Pegge, Girton Peake, William Platts, William Partridge, Edward Revell, the Reverend John Rolleston, Richard Rose, Thomas Roberts, Thomas Richardson, Anthony Riley, George Robinson, Sir Charles Sedley, Sir George Savill, Sir George Smith, Baronets; James Shuttleworth, John Shelley, Thomas Smith, John Sherwin, Abel Smith, Henry Sherbrooke, William Coape Sherbrooke, Nicholas Strey, Richard Strey, Joseph Smedley, the Reverend Thomas Savage, the Reverend John Simpson, the Reverend Robie Sherwin, Lieutenant George Sherwin, William Southwell, Richard Stubbings, Griffin Spencer, John Sutton, Joseph Sutton, Jeremiah Sutton, William Smith, Robie Swan, Robert Seagrave, William Strelley, Thomas Thoroton, Bache Thornhill, Nicholas Thornhill, Henry Thornhill, Jonathan Truman, Nicholas Twigge of Holme, John Twigge, George Tillington, Anthony Tillington, Anthony Tillington the younger, Edward Taylor, John Tatlow, George Venables Vernon, George Venables Vernon the younger, Sir Edward Wilmot Baronet, Sir Robert Wilmot, Sir John Eardley Wilmot, Knights; John Pollace Warren, Richard Mead Wilmot, Edward Wilmot of Duffield, Thomas Wright, John Wilkinson of Hilcot, Thomas Williamson, the Reverend George Wakefield, the Reverend George Wayte, the Reverend John Wood, Ichabod Wright, John Wright, Thomas Wright, John Walker, William Wheateroft, James Wood, John Wall, John Wall the younger, John Woolley, John Woolley the younger, Henry Wall, Stephen Wall, John Wilcockson, Hugh Wood, Stephen Wooding, John Wooding, John Wooding, Thomas Wheldon, David Woodhouse, Thomas Woodhouse, John Wilkinson of Chesterfield, and Richard Wilkinson, shall be, and they and their Successors to be elected in Manner herein after-mentioned, are hereby appointed Trustees for putting this Act in Execution; and they, or any Nine or more of them, shall and may cause to be erected such Gates or Turnpikes in or cross any Part or Parts of the said several and respective Roads, and also such Toll-houses in or near the same, as they the said Trustees, or any Nine or more of them, shall think proper; and the following Tolls shall be paid at every such Gate or Turnpike, to such Person or Persons as the said Trustees, or any Seven or more of them, shall,

Trustees may erect Turnpikes and Toll-houses;

and appoint Persons to take the following Tolls thereat.

shall, by Writing under their Hands and Seals, from time to time, appoint to receive the same, before any Horse, or other Cattle, Coach, Waggon, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chaise Marine, or Hearse, 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.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four Horses, or other Beasts, the Sum of One Shilling; and drawn by Three Horses, or other Beasts, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts, the Sum of Six Pence; and drawn by One Horse, or other Beast, the Sum of Three Pence.

For every Horse or other Beast, 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, the Sum of 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; and the Monies so to be raised are hereby vested in the said Trustees, and shall be applied, disposed of, or assigned to and for the amending, widening, and keeping in Repair the said Roads, and to and for such Uses and Purposes, and in such Manner as herein after is mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, or any Part thereof, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll and the reasonable Charges of such Seizure and Distress

Tolls may be levied by Distress and Sale.

shall

Distress may be sold after 4 Days.

shall not be paid within the Space of Four Days, the Person or Persons so distraining shall and may sell the Horses, Cattle, or Goods so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Sides of the said several Roads, and at the End of, or cross any Lane or Way leading into the same, and to cause such Tolls to be collected and levied thereat, as are appointed by this Act to be taken.

and take Tolls thereat.

No Turnpike to be erected across, or between, the Roads here mentioned.

Provided always, and be it enacted, That no Turnpike shall be erected across the Road leading from Nottingham to Derby, or across the Road leading from Nottingham to Radford, or from Sherwood Forest to Radford; and also that no Toll-gate shall be erected between Wirksworth Moor and Cromford Bridge; or upon or between Cross Green and the East Side of the Rising Bridge, in the Road leading to Chesterfield; or upon or between Matlock Bridge and the Lane End leading to Matlock Bath, or upon or between Rowesley Bridge, and the End of the Lane leading to Beely, or between the said Bridge and the End of the Lane leading to Rowesley Bar, or within the Space of One hundred Yards westwardly from the said Bridge.

Property of the Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, 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 Roads, shall be, and are hereby vested in the said Trustees, and they or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions, or to prefer Indictments in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer, against any Person or Persons who shall disturb them in the Possession of the Property thereof.

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

Provided also, and it is hereby enacted by the Authority aforesaid, That no Gates or Turnpikes 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 Eleven or more of them, at a publick Meeting assembled, whereof Fourteen Days Notice shall be given in Writing to be affixed on all the Turnpikes which shall be then erected by virtue of this Act, or by Advertisement thereof in the Nottingham and Derby News Papers.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That for the Purposes of collecting the said Tolls, and of applying or assigning the same, and for the Application of the Monies to be borrowed on the Credit thereof, the said Roads shall be divided into Four Districts, and that the said Road leading from Chappel Bar near the West End of the Town of Nottingham, to New Haven, shall be deemed the First of such Districts; that the said Road from The Four-Lane-Ends near Oakerthorpe to Ashborne, shall be deemed the Second of such Districts; that the said Road from The Cross Post on Wirksworth Moor, to the Road lying in the said First District, and the Road leading from such District, to the Road at or near Longston, shall be deemed the Third of such Districts; and that the Road from Selston to Annesley Woodhouse, shall be deemed the Fourth of such Districts; and that separate and distinct Accounts shall be kept of the Receipt and Expenditure of the Tolls to be raised in each respective District, and of the Monies to be borrowed on the Credit of each respective District.

The Roads divided into Four Districts.

The First District,

The Second,

The Third,

The Fourth.

Distinct Accounts to be kept of the Receipt and Expenditure, and Money borrowed in each District.

Provided always, and be it enacted by the Authority aforesaid, That no more than Two Third Parts of the Tolls herein before mentioned, shall be taken at any Turnpike to be erected by virtue of this Act, for any Waggon, Wain, Cart, or other Carriage, loaden only with Coals; nor shall any more than One Halfpenny be taken at any such Turnpike between Lady Day and Michaelmas Day in any One Year, for any Horse, or other Beast, being loaded only with Coals; any thing herein contained to the contrary notwithstanding.

Tolls to be paid for Carriages with Coals, and Horses, between *Lady Day* and *Michaelmas*.

Provided also, That no more than a Toll of One Halfpenny shall be taken upon the Road between Winster and Darley Bridge, for the Passage of any Horse, or other Beast, being only loaden with Lead Ore; and that no Toll shall be taken on such Part of the said Road, for any Horse, or other Beast, returning unloaded the same Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) on which such Tolls shall have been paid; and if any such Horse, or other Beast, shall pass again the same Day loaded, a Toll of One Halfpenny, and no more, shall be paid.

Tolls to be paid for Horses with Lead Ore, on the Road between *Winster* and *Darley Bridge*.

Provided also, and be it further enacted by the Authority aforesaid, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages, in any One Day (to be computed from Twelve of the Clock at

Tolls to be paid but once a Day on the Road between *Nottingham* and *Nuthall*;

Night, to Twelve of the Clock in the succeeding Night) than One Toll for the passing through all or any of the Turnpikes to be erected across or on the Sides of the said Road, between the said Town of Nottingham and the said Town of Nuthall; nor more than One Toll, for the passing through all or any of the Turnpikes to be erected across or on the Sides of the said Road, between the said Town of Nuthall, and the said Town of Alfreton; nor more than Two Tolls, for the passing through all or any of the Turnpikes to be erected across or on the Sides of the said Road between the said Town of Alfreton and New Haven; nor more than Two Tolls, for the passing through all or any of the Turnpikes to be erected across or on the Sides of the Road in the said Second District; nor more than Two Tolls, for the passing through all or any of the Turnpikes to be erected across or on the Sides of the Road in the said Third District; nor more than One Toll, for the passing through all or any of the Turnpikes to be erected across or on the Sides of the Road in the said Fourth District; nor more than One Toll, at any One Turnpike to be erected by virtue of this Act; but that all and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horses, Cattle, Beasts, and Carriages, through the Turnpike at which any such Toll was paid; and also through all the Turnpikes across or on the Sides of such respective Parts of the Road in the said First District, or the Roads in the said Second, Third, and Fourth Districts respectively, wherein such Toll or Tolls was or were respectively paid, upon producing a Note or Notes, Ticket or Tickets, denoting the Payment of such Toll or Tolls; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, upon Receipt of the Toll.

nor between *Nuthall* and *Alfreton*;

nor more than twice on the Road between *Alfreton* and *New Haven*;

nor in the Second,

or Third Districts;

nor more than once in the Fourth District;

nor more than One Toll at One Turnpike.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Eleven or more of them, assembled at a Publick Meeting, and they are hereby impowered, from time to time, with the Consent of such Person or Persons as shall be intitled to Two Thirds, or more, of the Money which shall have been advanced upon the Credit of the Tolls in the said Districts respectively, to lessen or reduce all or any Part of the Tolls by this Act granted, in such respective Districts, and for such Time or Times, as they the said Trustees, or any Eleven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums

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

and raise them again.

of

of Money not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Eleven or more of them, may, from time to time, order and direct the Tolls hereby granted, or so reduced, as aforesaid, to be collected within the said respective Districts, in such Parts and Proportions, as they shall think proper; and such reduced Tolls, and also such Parts and Proportions, as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no such Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, within the respective District, in Relation whereto such Orders or Regulations are intended to be made, or by Advertisement in the Nottingham and Derby News Papers.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Land near to any Turnpike 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, Waggon, or other Carriage, Horse, or any other Cattle, or Beasts; or if any Person or Persons shall with any Coach, Waggon, or other Carriage, Horse, or any other Cattle, or Beasts, 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 or Beast, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon, or near to any Part of the said Roads, any Coach, Waggon, or other Carriage, Horse, or other Cattle, or Beast, with such Intent as aforesaid; or if the Owner or Driver of any Waggon, or other Carriage, Horse, or other Cattle or Beast, shall unload, or cause to be unloaded, such Carriage, Horse, Cattle, or Beast, either in the Whole, or in Part, before the Arrival thereof at the Principal Place of Destination, with such Intent as aforesaid; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Note or Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through

or taking off Horses, &c.

or unloading Goods,

or forging Tickets, to avoid Payment of the Tolls.

through any such Turnpike with any Carriage, Horse, Cattle, or Beast, without Payment of the Toll, every Person so offending in each of the Cases aforesaid, shall for every such Offence, forfeit the Sum of Twenty Shillings.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and also a Surveyor or Surveyors of the said Roads, 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 all and every of the Officers and Persons so, from time to time, appointed, and also all Persons who shall be in any wise employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, upon Oath (if thereunto required by the said Trustees, or any Five or more of them; which Oath any Two of such Trustees are hereby impowered to administer) on the First Monday after every Quarter Day, or at such other Time and Times as the said Trustees, or any Five or more of them, shall appoint, 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 Officers or Persons shall to such Time respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices; and shall, from time to time, pay over all such Monies as shall be in their Hands to such Person or Persons, and in such Manner, as the said Trustees, or any Five or more of them, shall direct and appoint; and the said Trustees, or any Five or more of them, to whom such Accounts shall be given, shall and may, out of the said Tolls, make such Allowances to the said Officers and Persons, for their Care and Pains in, or in relation to, the Execution of this Act, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case such Officer or Person shall not give in, or shall refuse to verify upon Oath, any such Account, or to make such Payment as aforesaid, that then, any One or more Justice or Justices of the Peace for any County in which any Part of the said Roads 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

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers not accounting, to be committed.

the said Justice or Justices is and are hereby impowered and required to administer, without any Reward) and if any 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 verify the same as aforesaid, and make such 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 such Person or Persons as the said Trustees, or any Five or more of them, shall appoint; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from the Treasurer or Treasurers, and Collectors, to be appointed as aforesaid, for the due Execution of his and their respective Office and Offices, as the said Trustees, or any Seven or more of them, shall think fit.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful 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 Roads, 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 any Part of the said Roads doth lie; or in any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for such Materials; but making such Satisfaction to the Owners or Occupiers of the private Grounds through which such Materials shall be conveyed, as the said Trustees, or any Five or more of them, shall think reasonable; and also levelling or fencing about the Holes or Pits made by getting such Materials, in such Manner as that the same shall not be dangerous to Passengers or Cattle; and also it shall 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 in Writing of the Trustees, or any Five or more of them, for that Purpose) to dig, gather, 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

without paying for the same;

levelling the Pits;

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

making Satisfaction to the Owners.

Owners or Occupiers of the Ground where such Materials shall be taken, and over which the same shall be brought, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning any Damages which shall be done by getting or conveying of any Materials in or through any private Grounds, the Justices of the Peace at any General Quarter Session to be held within the Space of Four Months after such Difference shall arise, for the County wherein such Damage was sustained, shall and may adjudge and finally determine the same; from which Determination there shall be no Appeal.

Justices to determine Differences.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall 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 said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, or otherwise, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining to any Part of the said Roads, 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 any Part of the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, 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 Roads, 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 cut down and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or 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 to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting as aforesaid, and 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 Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

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.

And

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or 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 Roads, and through any Grounds lying contiguous thereto, and to erect Bridges or Arches upon the said Roads, and also widen and render fit for Passage with any Sort of Wheel Carriages (which Wheel Carriages are hereby authorized to pass and repass without Restraint, upon Payment of the Tolls hereby granted) any of the narrow Parts of the said Roads, and also such Parts of the said Roads as have hitherto, for the most Part, been used either as Drift Roads, or Bridle Roads, by opening and clearing the Grounds over which the said Roads respectively lie; and the 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 a House) so as such Parts of the said Roads do not exceed in Width Fifteen Yards; and also to make, or cause to be made, Roads through the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, 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 or widened, making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, through which any such Drains shall be cut, or on which any such Arches or Bridges shall be made, or which shall be 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; 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, at any General Quarter Session to be held within the Space of Four Months after such Difference shall arise, for the County wherein such Damage was sustained, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers, for such Damages; from which Determination there shall be no Appeal.

Surveyors may make Causeways, &c.

erect Bridges,

and make temporary Roads;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And

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

And be it further enacted, That the Trustees, or any Nine or more of them, shall have full Power, from time to time, to turn or alter the Path of any Part of the said Roads, over any Waste or Common Grounds, without making any Satisfaction for the same, and to contract with any Owners or Occupiers of, and Persons interested in, any private Grounds or Hereditaments, for the Purchase thereof, or for the Damage they may sustain by the turning or altering of any Part of such Roads; 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 all such Grounds and Hereditaments, over which any Part of the said Roads shall be so turned, shall be deemed a publick Highway, and be from thenceforth Part of the said Roads for ever after, and the Lands in the former Road (in case such former Road shall not be upon any Common or Waste Grounds, or shall not lead to any Town or Place with which such new Road doth not communicate) 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 Road in the respective District where such Alteration is made; 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.

On inclosing Commons, &c. Forty Feet Space to be left open for a Road.

And whereas many Parts of the said Roads lie over Commons, Woods, and Waste Grounds, Open Fields, and Pastures; be it further enacted, That when any of the said Commons, Woods, Waste Grounds, Open Fields, and Pastures, shall be inclosed, there shall be left at the least Forty Feet betwixt the Fences which inclose any Part of the said Roads, which Space shall be deemed to be Part of the said Roads.

And

And be it further enacted by the Authority aforesaid, That if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustee, or any other Person whosoever, interested in any Lands or Hereditaments, through or over which the said Trustees, or any Nine or more of them, shall think proper to divert or turn any Part of the Road in the said Third District, shall, for the Space of Three Months, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence, shall be prevented from treating; then, and in such Case, it shall be lawful for the said Trustees, or any Five or more of them, Two Months before any General or Quarter Session of the Peace to be holden for the County in which such Lands or Hereditaments lie, to cause to be given to such Owner, or to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to be left at the House of the Tenant in Possession of such Lands or Hereditaments, Notice in Writing, denoting or describing the Lands or Hereditaments through which any Part of the said Road shall be intended to be turned, and purporting that the Value of such Lands or Hereditaments, or the Damage which may be thereby done to the same, will be adjusted by a Jury at the said Session; and the Justices at their said Session, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury which shall attend at such Session, or some other Jury of Twelve indifferent Men, to be then and there impanelled and returned by the Sheriff of the said County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprized in the said Notice, and the Damages or Recompence to be given for the same to the respective Owner or Owners thereof; which Oath the said Justices are hereby impowered and required to administer to such Jury, and to which said Jury the said Trustees, and all Parties interested in the said Lands or Hereditaments shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value, of the said Lands or Hereditaments, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally be binding and conclusive to all Parties; and that from and after such Verdict and Judgement, and after

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

the Damage and Recompence to be settled by a Jury.

Jury to be impanelled and sworn.

Verdict of the Jury to be binding and conclusive.

Payment or Tender of the Recompence thereby ascertained to the respective Owner or Owners of such Lands or Hereditaments, or their Guardians, Trustees, or Agents; or if any such Person or Persons cannot be found, or in case of Refusal to accept such Recompence, then, upon leaving the same in the Hand or Hands of the Treasurer or Treasurers of the said Trustees, for the Use of such Person or Persons, and Notice thereof in Writing by the said Treasurer or Treasurers being given to, or left at the Dwelling-house, or last Place of Abode of the Tenant or Tenants in Possession of such Lands or Hereditaments; and which Recompence the said Trustees, or any Five of them, are hereby impowered to pay out of the Monies which shall arise within or upon account of the said Third District; and the said Trustees, or any Five or more of them, shall, and they are hereby impowered to cause the said Road to be diverted or turned through, or over such Lands and Hereditaments, and to cause the same to be ditched or fenced in such Manner as the said Trustees, or any Five or more of them shall think fit, and from thenceforth and for ever afterwards such Lands and Hereditaments shall be a Part of the said Road.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the Tolls within each of the said respective Districts (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such respective Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Nine or more of them, of such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Tolls in each such District respectively, with such Interest for the same as the said Trustees, or any Nine or more of them, shall think fit; but separate and distinct Assignments or Mortgages shall be made of the Tolls in each respective District; and the Monies so to be borrowed shall be applied in such Manner as the Tolls so assigned or mortgaged are directed to be applied, and to no other Purpose whatsoever; and that Copies of all such original Mortgages or Assignments shall be entered at Length in a Book or Books to be kept for that Purpose for each respective District, by the said Clerk or Clerks, Treasurer or Treasurers; which said Books shall and may be perused at all seasonable

Assignments to be entered in a Book.

Times,

4

Times, by any Person or Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of any of the said respective Tolls, unless Twenty Days Notice be given thereof in the Nottingham and Derby News Papers, or by Writing affixed upon all the Turnpikes erected by virtue of this Act within the respective Districts in relation whereto such Money shall be intended to be borrowed: And 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 his, her, or their Right to the Principal and Interest Monies thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containting the Date, Names of the Parties, and Sums of Money therein mentioned to be transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

A 20 Days Notice to be given of borrowing Money.

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

Clerk's Fee.

And be it enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever advancing any Part or Parts of the gross Sum so to be borrowed upon the Tolls in the said respective Districts, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the Tolls in such respective Districts, in equal Degree one with another.

All Creditors to be deemed equal in Degree.

And

Application of the Monies in each District.

And be it further enacted by the Authority aforesaid, That the Expences incident to, and occasioned by, the obtaining of this Act, shall be in the first Place discharged out of the Tolls to be collected in the said respective Districts, or the Monies to be borrowed on the Credit thereof, in Proportion to the Extent of the Roads in each District, respectively, such Proportions to be settled by the said Trustees, or any Seven or more of them; and that after such Expences are discharged as aforesaid, the Residue of the Tolls arising within each respective District, and the Monies borrowed on the Credit of the Tolls of such District, shall be, from time to time, applied in defraying the Charge of erecting and maintaining the Turnpikes and Toll-houses, and of repairing and widening the Roads, and defraying the necessary Expences of executing the several Purposes of this Act, in, and in relation to, the District respectively wherein, or in respect whereof, such Tolls were collected, or Money borrowed; and that no Part of the Tolls collected in any one of the said Districts, or the Monies borrowed on the Credit of the Tolls of such respective District, shall be expended in the Repairs of the Road, or Execution of any of the Purposes of this Act, in or for any other of the said Districts.

Persons and Things exempted from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage, laden with Gravel, Stones, or other Materials, for repairing the said Roads, 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, or Compost, for manuring the Grounds in such Township or Hamlet, as aforesaid, or laden with Grass, Hay, Saintfoin, Fodder, Straw, Corn in the Straw, to be laid up in the Houses, Barns, Outhouses, or to be set or stacked up on any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use and Consumption, in any Townships or Hamlets in which any of the said Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; or for any Ploughs, Harrows, or other Implements of Husbandry, which shall be conveyed on any Sledge or Wheel Carriage, to be used for tilling or stocking of any Lands, in any of the Townships or Hamlets in which such Turnpikes shall be erected, or in any of the next adjoining Townships or Hamlets; or any Timber or other Materials, to be used and employed in building or repairing of any Houses, Out-houses, or Buildings, in such several Townships or Hamlets;

nor

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; or of any Person or Persons for passing to and from his or their Parish Church respectively, on Sundays, or attending any Funeral to such Church, or returning from any such Funeral; 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 Passes; nor shall any Toll be demanded or 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 County of Nottingham, or Derby, or of a Burgess or Burgesses to serve in Parliament for the Town of Nottingham or Derby, on the Day or Days of any such Election, or the Day before or Day after any such Election shall begin, or be concluded.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner, as the other Penalties are herein after directed to be applied.

Person's chargeable to the Highways to continue so.

Provided also, and it is hereby enacted, That all Persons who are by Law obliged to do Statute-work, or chargeable towards amending the said Roads, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Roads do 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 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 their respective Townships or Hamlets, wherein any Part of the said Roads doth lie; and in case no Surveyor or Surveyors is or are appointed for any such Township or Hamlet, then to summon the Churchwardens or Overseers of the Poor of any such Township or Hamlet, to bring in Writing before such Trustees, or any Five of them, upon Oath (which Oath they are hereby impowered to administer) within Fifteen Days after such Summons, a List of the Names of the several Persons

sons 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 Roads, as the Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and 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 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.

Penalty on Persons not performing Statute-work.

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

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year or otherwise, with any Person or Persons for the Performance of his, her, or their Statute-work on the said Roads; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships or Hamlets, or such Churchwardens or Overseers of the Poor, as aforesaid (by and with the Consent of the Inhabitants of such Townships or Hamlets, 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 Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants, upon any Part of the said Roads; all which Composition-monies shall be instantly paid, and shall be applied in the Repair of the Roads in the District for and in respect whereof such Composition shall be made; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, 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 Gravel for repairing the Highways.

Trustees may compound for Statute-work.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby

Trustees may compound with Travellers.

hereby impowered to compound or agree with any Person or Persons usually travelling the said respective Roads (except Persons carrying Goods for Hire) for any Sum or Sums of Money to be paid in lieu of the said Tolls granted by this Act, so as no such Composition shall be made at any One Time for a longer Term than One Year. Exception.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides thereof, 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 such Stone or Post, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which be inscribed thereon, every such Person shall for every such Offence, forfeit the Sum of Forty Shillings; whereof, One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner, as the Penalties are herein after directed to be applied. Roads to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

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 County wherein the Offence shall be committed; which Warrants the said Trustees, or any Five or more of them, or the said Justices, are hereby impowered and required to grant, upon the Information of any One or more credible Witnesses, upon Oath (which Oath the said Trustees, or any Two or more of them, or the said Justices, are hereby impowered and required to administer without Fee or Reward;) 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 Charge of such Distress and Sale being first deducted) shall be paid to the Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall by them respectively be applied, if not otherwise directed to be applied by this Act, for and towards the amending the Road in the respective District wherein or in relation whereto such Offence shall be committed; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall Penalties and Forfeitures how to be recovered and applied.

and may be lawful for such Trustees or Justices, and they are hereby authorized and required by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol of the County, Division, or Place, wherein such Offence shall be committed, for any Time not exceeding Three Months for the First Offence, unless such Penalties, or Forfeitures, and all reasonable Charges, shall be sooner paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner discharged.

Persons aggrieved may appeal to the Quarter Sessions.

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 been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Session of the Peace to be held for the County wherein the Cause of such Appeal shall arise, who are hereby authorized and required to cause 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 Session, mitigate at their Discretion, all or any of the Penalties aforesaid, or vacate and set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgement in regard to the Premisses, as they shall think right and reasonable; but no Conviction shall be quashed for Want of Form only.

Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*.

Provided also, and be it further enacted by the Authority aforesaid, That no Proceeding 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 whatsoever, into any of His Majesty's Courts of Record at Westminster.

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.

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

And be it further enacted by the Authority aforesaid, That when any Trustee hereby appointed, or hereafter to be elected, shall die or refuse to act, it shall be lawful

for

for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect and appoint One fit Person living in the said County of Nottingham or Derby, or in the Town of Nottingham, in the Room of every Trustee 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, or in the Nottingham and Derby News Papers, 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 or remaining 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.

Provided always, and be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Five or more of them, shall meet together at the House known by the Sign of The George, in the Town of Alfreton in the County of Derby, upon the Second Day of May, after the Day of passing this Act, and shall then proceed to the Execution of this Act; and then, and from time to time afterwards, adjourn themselves, and meet there or at any other Place near the said Roads, as the said Trustees, or any Five or more of them, shall, from time to time, think most convenient, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to another Day, the Treasurer or Clerk to the Trustees, shall, from time to time, as often as such Case shall so happen, by publick Notice in Writing to be affixed on the Turnpikes of the District where such Meeting should have been held, or by Advertisement in the News Papers of Nottingham and Derby, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near the said Roads, on that Day Month from the Day on which such Meeting was appointed to have been held; and that the Trustees at all their Meetings shall defray their own Charges and Expences.

Time and Place of Trustees Meeting.

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,

Qualification of Trustees.

Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or is possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, of the Value or to the Amount of One thousand Pounds after all his Debts are paid; and if any Person so made incapable shall presume to act, every such Person, for every Offence, shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Session, 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 to be applied in repairing the said Roads.

Penalty on acting, if not qualified.

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

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

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee during his Enjoyment of any Place of Profit under this Act; and if any Innholder, Victualler, or Person who shall be licensed to sell or retail any Spirituous or Fermented Liquors, shall be appointed a Collector of the said Tolls, the Licence or Licences to every such Person for selling or retailing such Liquors, shall, from the Time of such Appointment, be absolutely void.

No Order to be repealed, unless 9 Trustees be present.

Provided also, and be it enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Nine Trustees shall be present, and Fourteen Days previous Notice in Writing be given of such Meeting, and the Purpose of such Meeting, upon all the Turnpikes within the respective District to which such Order or Determination shall relate, or by Advertisement published in the Nottingham and Derby News Papers.

Collectors to gain no Settlement by their Office.

Provided also, That no Collector of the Tolls to be appointed by virtue of this Act, shall gain any Settlement in the Parish or Place where he shall collect any of the said Tolls, by reason of his being appointed such Collector.

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 County of Nottingham or Derby, shall and may, notwithstanding their being Trustees, act as Justices of the Peace for the more speedy

speedy and effectual putting in Execution the several Powers hereby given.

No Act valid, except done at a publick Meeting of the Trustees.

Provided always, and be it further enacted, That no Trustee or Trustees appointed in or by virtue of this Act, shall do any Act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act, or by virtue of some Power or Powers to be delegated and committed to him or them, by any Seven or more of the said Trustees, assembled at a Meeting to be held in pursuance of this Act.

Proceedings to be entered in a Book,

and signed by the Clerk.

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 Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided also, That no Mortgage, Assignment, Transfer, or any Writing whatsoever under the Hand and Seal of, or only signed by, any of the Trustees, or any Justice or Justices of the Peace, in or relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

General Issue.

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 Months next after the Fact committed, and not afterwards; and shall be laid or brought in the said County of Nottingham or Derby, where the Cause of Suit 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

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 hath or have in other Cases by Law.

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 judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.