Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Grantham*, in the County of *Lincoln*, through *Bottesford* and *Bingham*, to *Nottingham Trent Bridge*; and from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Saint Mary's Bridge* in the Town of *Derby*; and from the Guide Post in the Parish of *Lenton*, to *Sawley Ferry*.

WHEREAS the Roads leading from the Town of Grantham, in the County of Lincoln, through Bottesford, in the County of Leicester, and by the Towns of Elton and Whatton, and through Bingham and Radcliffe, to Nottingham Trent Bridge, in the County of Nottingham; and from Chappel Bar, near the West End of the Town of Nottingham, through the Towns of Lenton and Stapleford, in the said County of Nottingham; and through the Towns of Risley, Preamble.

Risley, Burrowash, and Part of the Town of Chaddesden, in the County of Derby, to Saint Mary's Bridge, in or near the said Town of Derby; and from the Guide Post near certain Lands called The Abbey Lands, in the Parish of Lenton, through Beeston, Chilwell, Toton, Long Eaton, and Sawley, in the County of Nottingham, to Sawley Ferry, are in a ruinous Condition, and, in several Parts, very narrow and incommodious, and dangerous to Passengers, and the said Roads cannot be effectually amended and kept in Repair by the ordinary Course provided by Law; 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, That the

Trustees Names.

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 Right Honourable Harry Grey, commonly called Lord Grey; the Honourable John Shirley, the Honourable John Stanhope, the Honourable Thomas Willoughby, the Honourable William Howe, Sir Willughby Aston, Sir Charles Buck, Sir Robert Burdet, Sir Nathanael Curzon, Sir John Cust, Sir Henry Cavendish, the Reverend Sir John Every, Sir Henry Harpur, Sir Henry Hunlock, Sir Etwell Leek, Sir Matthew Lamb, Sir Charles Moleneux, Sir William Parsons, Sir Thomas Parkyns, Sir Charles Sedley, Sir George Savile, Sir George Smith, Sir John Thorold, Sir Francis Whitchcote, Sir Edward Wilmot, Baronets; Sir Robert Wilmot, Sir John Eardley Wilmot, Knights; John Archer, the Reverend George Almond, William Annis, Thomas Alsop, William Antill, John Antill, Francis Allatson, the Reverend Scrope Berdmore D. D. the Reverend George Staunton Brough, the Reverend Thomas Beaumont, the Reverend George Bettison, the Reverend Francis Bacon, the Reverend Samuel Bulkeley, the Reverend James Brasselay, Levett Blackborne, Henry

Blagge, Richard Brough, William Bilby, John Bell, Hugh Bateman, Philip Barnes, Thomas Bainbrigge, Thomas Borrow, Brook Boothby, John Tempest Barrow, John Barrow, John Beaumont, John Cave Browne, Richard Bateman, Robert Bakewell, Thomas Bennett, John Bloodworth, John Bingham, Thomas Bingham, Joseph Bingham, Thomas Bennett **the younger**, James Butterfield, William Butts, John Bateman, Alpheus Burgin, Robert Barlow, John Buxton, Richard Butler, Richard Burton, Thomas Boot, William Butcher, Hastwell Butcher, Robert Birch, William Browne, John Burbidge, Richard Blagg, Edmund Crynes **M. D.** Job Staunton Charlton, Francis Cust, John Cholmley, Henry Cavendish, William Cavendish, Godfrey Clark, Langford Collin, William Chaworth, Asheton Curzon, Wenman Coke, William Cotton, Samuel Crompton, John Clarkson, Richard Cheslyn, Thomas Charlton, Thomas Crane, **the Reverend** Edward Chappell, **the Reverend** Pierrepont Cromp, **the Reverend** Richard Cust, **the Reverend** Robert Cooper, **the Reverend** Thomas Clarke, **the Reverend** Henry Cantrell, **the Reverend** Robert Cane, **the Reverend** William Chambers, John Calcraft, Ralph Clarke, John Clarke, William Chappell, William Cooper, Edward Collishaw, Thomas Calcroft, Augustine Cooke, John Caruthers, Joshua Crompton, Gilbert Cheshire, Henry Coape, Sampson Copestake, Robert Cheshire, **the Mayor, Recorder, and Aldermen of Derby for the time being**; Robert Darvin, Francis Dalby, Robert Dale, James Dymock, Nathanael Dennison, John Drury, Henry Eyre, **the Reverend** Richard Easton, William Edge, William Elliot, John Egginton, Thomas Eaton, William Evans, Thomas Evans, William Edwards, Francis Fisher, Leonard Fosbrooke, William Fitzherbert, Richard Fitzherbert, **the Reverend** John Fitzherbert, **the Reverend** Henry Fletcher, Samuel Forster, Goodere Fletcher, William Fallows, Alexander Foxcroft, John Foxcroft, John Farnworth, William Foulds, John Frisby, Forrest, James Foulgham, Daniel Freeth **the younger**, Gilbert Fox, William Fox, Samuel Fox, William Fowler, **the Alderman and Justices of the Town and Borough of** Grantham **for the time being**; Philip Gell **M. D.** Philip Gell, George de Ligne Gregory, John Gisborne, John Gisborne **the younger**, Daniel Gach, **the Reverend** Henry Gibert, **the Reverend** William Gilbert, **the Reverend** William Gibson, Isaac Garnar, James Garnar **the younger**, Wildbore Garnar, John Garnar, William Gozna, Richard Gibson, John Green, Robert Green, George

George Goodson, Patricius Goodall, Thomas Gadesby, Caleb Hardinge M. D. William Hope M. D. John Hewett, John Howe, Windsor Hunlock, Robert Hunlock, James Hunlock, Thomas Hutchinson, John Hornbuckle, the Reverend Richard Hardy, the Reverend Robert Heron, the Reverend Henry Hough, the Reverend Charles Hope, Robert Huish, Mark Huish, Charles Hodges, Joseph Hayne, John Heath, Matthew How, Richard Hayne, John Hope, John Howe the younger, John Hunt, Roger Hunt, James Huthwaite the younger, James Huthwaite Ironmonger, William Huthwaite, Samuel Harrison, Thomas Haywood, Lewis Hurst, Thomas Hough, Robert Hall, Gervace Howe, Thomas Hall, William Hammond, Luke Hucknall, Matthew Immins, John James, Francis Innocent, Mark Jenkinson, John Key, John Key of Nottingham, the Reverend Richard Kirkby, John Kelsall, John Knowles, Samuel Kirk, Robert Kirkman, John Lowe, John Lister of Syssonby, George Lucas, Thomas Langford, the Reverend John Lowe, Lemuel Lowe, William Lowe, Ferdinando Lowe, Philip Launder, Cornelius Launder, Benjamin Lomus, William Lee, Richard Liptrot, Thomas Lee, John Lightfoot, Bossall Leatham, John Lomax, William Leeson, John Manners, Russel Manners, William Manners, James More Molineux, John Middlemore Mundy Musters, Robert Musters, Wrightson Mundy, Edward Mundy of Shipley, Francis Mundy, Charles Montague, Charles Montague the younger, Hugo Meynell, Godfrey Meynell, the Reverend Thomas Manners, John Moreton, George Mellor, Ralph Mellard, Thomas Milnes, Charles Morley, Benjamin Mather, Thomas Mettam, John Marriott, the Mayor and Aldermen of the Town of Nottingham for the time being; John Michael Newton M. D. Francis Newdigate, Michael Newton, John Newton, the Reverend Thomas Nixon, Nathanael Need, Samuel Need, Samuel Newham, Edward Newton, George Noble, John Newcombe, Samuel Owen, Nathanael Owen, Thomas Oldknow, John Oldknow, John Plumptre, the Reverend Charles Plumptre D. D. Polydore Plumptre, Francis Plumptre, Septimius Plumptre, the Reverend John Parsons, the Reverend Matthew Pilkington, the Reverend Peter Priaulx, the Reverend Richard Palmer, the Reverend Rand Rector of Hickling, German Pole, German Pole the younger, Sacheverel Pole, George Parkyns, Girton Peake, James Pennyman, Henry Penhant, Henry Pool, William Partridge, Lewis Peachell, John Parr, John Parr the younger, John Parnham,

William Povey, John Padley the younger, Richard Peete, Francis Richards M. D. Thomas Rivett, Francis Rivett, the Reverend John Rolleston, the Reverend William Rastall, John Rawlinson, Thomas Richardson, George Robinson, John Radford, William Rawson, Thomas Rowe, John Robinson, James Shuttleworth, Charles Stanhope, John Sherwin, Thomas Smith, Abel Smith, Henry Sherbrooke, William Coape Sherbrooke, Weston John Smith, Nicholas Strey, John Storer, John Storer the younger, Thomas Sentence, Lieutenant George Sherwin, Samuel Shering, the Reverend Richard Stevens, the Reverend Nathanael Smith, the Reverend John Seale, the Reverend Robie Sherwin, the Reverend Henry Swindell, William Southwell, Robie Swan, John Swan, Robert Seagrave, John Sands, Richard Stephenson, Richard Stubbins, Richard Strey, William Southern, Thomas Stanser, Thomas Stanser the younger, Henry Short, John Stones, William Sharpin, Thomas Short, Joshua Smith, William Leapet Smith, William Storer, Thomas Stamford, Thomas Thoroton, John Thorold, Edmund Turner, Edmund Turner the younger, William Turton, Nicholas Thornhill, Exuperius Turner, William Thorp, Benjamin Town, Benjamin Twigge, Jonathan Truman, Henry Tatam, Beaumont Topot, William Thompson, Thomas Twells, John Todd, Anthony Tissington, Anthony Tissington the younger, George Venables Vernon, George Venables Vernon the younger, Henry Vernon, the Reverend Richard Wilmot D. D. Christopher Whichcote, Richard Mead Wilmot, Francis Ballidow Wilmot, William Welby, William Welby the younger, John Borlace Warren, Thomas Williamson, Luke Williamson, Edward Wilmot, Joseph Ward, the Reverend Henry Offley Wright, the Reverend Joshua Winter, the Reverend George Wayte, the Reverend Richard Welby, the Reverend George Wakefield, the Reverend Thomas Woodford, Benjamin Ward, Richard Wright, Richard Whitby, Ichabod Wright, John Wright Clothier, Thomas Wright, John Wright the younger of Derby; John Wheelwright, Isaac Wylde, John Whishaw, John Waley, Thomas Worthington, Edward Wright, William Waters, 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 or may cause to be erected such Gates or Turnpikes in or cross any Part or Parts of the said respective Roads, and also such Toll-houses near the same, as they the said Trustees, or any

Trustees may erect Turnpikes and Toll-houses,

and appoint Persons to take the following Tolls thereat.

any Nine or more of them, shall think proper; and the following Tolls shall be paid at every such Turnpike, to such Person or Persons as the said Trustees, or any Seven or more of them, 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 Horse or other Beast drawing any Carriage, the Sum of Three Pence.

For every Horse or other Beast 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, Swine, 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 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 respective 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, after Demand thereof made, shall 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 shall not be paid, within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Goods so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And

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, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Sides of the said respective Roads, and at the End of, or cross any Lane or Way, leading into, or out of the same, and to cause such Tolls to be collected and levied, as are appointed by this Act to be taken, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes.

Trustees may erect Side Gates, &c. and take Tolls thereat.

Provided always, and be it enacted by the Authority aforesaid, That no Turnpike shall be erected nearer to the Town of Grantham, than the West End of the Bridge over the Brook in Sidebrook Lane, in the said County of Lincoln; or nearer to the Town of Nottingham, than the West Side of Gamston Lane; and also that no Turnpike shall be erected across the Road leading to Radford or Nutthall, in the said County of Nottingham, or to Denbigh in the said County of Derby.

No Gate to be erected nearer *Grantham*, than the Bridge in *Sidebrook Lane*; nor nearer *Nottingham*, than *Gamston Lane*; nor cross the Road to *Radford*, *Nutthall*, or *Denbigh*.

Provided also, and be it enacted by the Authority aforesaid, That no Turnpike shall be erected on any Part of the said Road, between the said Towns of Nottingham and Grantham, until Subscriptions shall be obtained for advancing or lending the Sum of Four thousand Pounds, upon the Credit of the Tolls to be collected between those Towns, and Ten per Centum of all such Subscriptions shall be actually and bona fide advanced and paid to the Treasurer or Treasurers to be appointed for the said Road; and that no Turnpike shall be erected on any Part of the said Road between the West End of the Town of Nottingham, and the said Town of Derby or Sawley Ferry, until Subscriptions shall be obtained for advancing or lending the Sum of One thousand Pounds, upon the Credit of the Tolls to be collected between the last-mentioned Towns, and Ten per Centum of all such Subscriptions shall be actually and bona fide advanced and paid to the Treasurer or Treasurers to be appointed for the said Road.

No Gate to be erected between *Nottingham* and *Grantham*, till Subscriptions be made for 4000*l.* and 10 *l. per Cent.* paid thereof; nor between *Nottingham*, *Derby*, or *Sawley Ferry*, till Subscriptions be made for 1000 *l.* and 10 *l. per Cent.* paid thereof.

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 prefer Indictments in the Names of any Five or more of them,

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

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 be it enacted by the Authority aforesaid, That no 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 Eleven or more of them, at a publick Meeting assembled; whereof Thirty Days Notice at least shall be given in Writing to be affixed on all Turnpikes to be erected by virtue of this Act.

Particular Exemptions to the Inhabitants of several Towns and Hamlets.

Provided always, and be it further enacted by the Authority aforesaid, That the Inhabitants of the respective Townships or Hamlets of Hicklins, Kinolton, Owthorpe, Colston, Basset, Tollerton, Cotgrave, and Clipston, shall have free Passage for their Horses, Beasts, Cattle, and Carriages, without Payment of any Toll whatsoever, through the Turnpike or Turnpikes to be erected across or on the Side of the said Road between the West Side of Gamston Lane, and the said Town of Nottingham, for and during such Time as the Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for the said respective Townships or Hamlets shall pay the Sum of Ten Shillings yearly for each respective Township or Hamlet, as a Composition for the Tolls payable by the Inhabitants thereof; which Compositions shall be paid each Year, in Advance; and the Persons paying such Monies, shall and may be reimbursed the same, in such Manner as Surveyors may be reimbursed the Monies by them expended in buying Materials for repairing the Highways; and that no Occupier of Land in, or Inhabitant of, the Townships or Hamlets of Holme, Pierrepont, Adbolton, Gamston, or Basing Field, shall be liable to the Payment of any Toll whatsoever, for the Passage of their Horses, Beasts, Cattle, and Carriages, between the Town of Radcliffe and Nottingham Trent Bridge; and that no Inhabitant of, or Occupier of, Land in the Town of Radcliffe, shall pay more than half Toll, for passing through all or any the Turnpikes to be erected upon or on the Sides of the said Road between Radcliffe and Nottingham Trent Bridge; and that the Inhabitants of the several Townships or Hamlets of Beeston, Chilwell, and Bramcote, shall have free Passage for their Horses, Beasts, Cattle, and Carriages, without Payment of any Toll whatsoever, through the Turnpike or Turnpikes to be erected across or on the Sides

Inhabitants of *Radcliffe* to pay but Half Tolls on the said Road.

Sides of the said Road, between all or any of those Townships or Hamlets respectively, and the said Town of Nottingham, for and during such Time as the Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for the said respective Townships or Hamlets, shall pay the Sum of Ten Shillings yearly for each respective Township or Hamlet, as a Composition for the Tolls payable by the Inhabitants thereof; which Composition shall be paid each Year, in Advance; and the Persons paying such Monies, shall and may be reimbursed the same, in such Manner, as the Surveyors may be reimbursed the Monies by them expended in buying Materials for repairing the Highways; but no Inhabitant or Occupier of Land in any of the said Townships or Hamlets, shall have or claim any of the Exemptions herein before immediately mentioned, either as to the Whole Toll, Half Toll, or Composition aforesaid, for passing through any of the Turnpikes to be erected in pursuance of this Act, unless such Person shall produce a Certificate under the Hand or Hands of the Churchwarden or Churchwardens, or Overseer of the Poor, for the time being, of each such Township or Hamlet, to the Keeper of each Gate or Turnpike where such Exemption, Composition, or Half Toll, shall be claimed, that he, she, or they, is or are an Inhabitant or Occupier of Land in such Township or Hamlet, so intitled to Exemption or Payment of Half Toll, or Composition, in lieu of Toll respectively; and if any Churchwarden or Overseer shall knowingly give or deliver any Certificate to any Person not intitled thereto, he shall for every such Offence forfeit and pay the Sum of Five Pounds.

Certificates of Exemption to be granted to Persons intitled thereto.

Provided also, and be it 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 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 and on the Sides of the said Road, between the said Town of Nottingham and the said Town of Whatton; nor more than One Toll for passing through all or any of the Turnpikes to be erected across and on the Sides of the said Road, between the said Town of Grantham and the said Town of Bingham; or more than One Toll for the passing through all or any the Turnpikes to be erected across and on the Sides of the said Road, between the West End of the said Town of Nottingham and the said Town of Burrow Ash; or more than One Toll between

Tolls to be paid but Once a Day on the several Roads here mentioned.

the West End of the said Town of Nottingham and Sawley Ferry; or more than One Toll for passing through all or any of the Turnpikes to be erected across and on the Sides of the said Road, between the said Town of Derby and the said Town of Risley; 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 Turnpikes at which any such Toll was paid; and also through all the Turnpikes across and on the Sides of such respective Parts of the Roads as aforesaid, whereon such Toll shall be respectively paid, upon producing a Note or Notes, Ticket or Tickets, denoting the Payment of such Toll, and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, upon Payment of the Toll.

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

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 to be collected between the said Towns of Grantham and Nottingham, and between the said Towns of Nottingham and Derby respectively, to lessen or reduce all or any Part of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Eleven 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 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 upon the said Roads respectively, 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 Meetings 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 or upon such respective Road, in relation whereto such Orders or Regulations are intended to be made.

and raise them again.

And

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, with an Intent to avoid the Payment of the said Tolls, or any Part thereof; 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; or shall unload, or secrete any Goods, 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 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.

Penalty on Persons permitting private Passage;

or taking off Horses, &c.

or unloading Goods, &c.

or giving or receiving Tickets, &c. to avoid Payment of the Tolls.

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 may 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 Thursday after every Quarter Day, or at such other Time or Times as the said Trustees, or any Five or

Trustees may appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

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 and 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 Tolls to arise upon the said respective Roads, or out of the Monies to be borrowed on the Credit thereof, 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 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 wherein 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.

Trustees to allow Officers Salaries.

Officers not accounting, to be committed.

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.

Treasurer to give Security.

And

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 Grounds, in any Parish, Town, Village, or Hamlet, wherein, or next to which, any Part of the said Roads doth lie, or in any adjoining 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 Nine 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 Nine 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, Meadow, 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 where such Materials shall be taken, and over which the same shall be brought, as the said Trustees, or any Nine or more of them, shall adjudge reasonable; and in case of any Difference concerning any such Damages as aforesaid, 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; but no such Materials as aforesaid, shall, by virtue of this Act, be digged, gathered, or taken, in any Part of the Parishes or Townships of Wooleſthorpe, Belvoir, Knipton, or Braunston; or in any private Grounds in the Parishes of Holme, Pierrepont, Adbolton, Bassingfield, or Gamston.

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

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.

Justices to determine Differences.

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,

Surveyors may remove Annoyances,

turn Watercourses, Rubbish, or otherwise, and to turn away Watercourses, Sinks, or Drains, running into, along, or out of, the same, or otherwise, to the Prejudice thereof; and to

cleanse Ditches, &c. 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

and cut down Bushes, &c. 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

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose. 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

Surveyors to be reimbursed the Charges. 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 re-

Penalty of a Second Offence. covered, 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.

Surveyors may make Causeways, 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

erect Bridges, Grounds lying contiguous thereto; and to erect Bridges

and widen the narrow Parts of the Roads; 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, 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

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 any Difference concerning the same, shall arise 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.

making Satisfaction to the Owners.

Justices to determine Differences.

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 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;

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

Bodies Politick, &c. may contract for the Sale of Lands, &c.

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 Waste Ground, 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.

Old Road may be sold.

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 arising upon the said respective Roads (the Tolls 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, to 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 respective Tolls, with such Interest for the same as the said Trustees, or any Nine or more of them, shall think fit, not exceeding the Rate of Four Pounds Ten Shillings for every One hundred Pounds, for a Year; but separate and distinct Assignments or Mortgages shall be made of the Tolls arising upon the said Road from Grantham to Nottingham Trent Bridge, and of the Tolls arising upon the said Road from Chappel Bar, near the West End of the said Town of Nottingham, to Saint Mary's Bridge, in or near the said Town of Derby, and Sawley Ferry; and the Monies so to be borrowed shall be applied in such Manner as the respective Tolls so assigned or mortgaged

Rate of Interest.

Distinct Assignments to be made of the several Tolls.

are

are by this Act 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 Road, by the said Clerk or Clerks, Treasurer or Treasurers; which said Books shall and may be perused at all seasonable 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, by Writing affixed upon all the Turnpikes erected by virtue of this Act upon the respective Road for or 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, Assigment 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, containing 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 such Sum as the said Trustees, or any Five or more of them, shall direct, not exceeding Two Shillings and Six Pence; and 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.

Assignments to be entered in a Book.

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

All Creditors to be deemed equal in Degree.

so to be borrowed upon the said respective Tolls, 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 such respective Tolls, in equal Degree One with another.

And be it further enacted by the Authority aforesaid, That for the more easy and effectual Execution of the Purposes of this Act, and Application of the Monies to be raised by virtue thereof, the Roads hereby intended to be repaired, shall be, and are hereby divided into Two Districts; and that the said Road leading from Grantham to Nottingham Trent Bridge, shall be deemed the First of such Districts; and the Roads leading from Chappel Bar, near the West End of the said Town of Nottingham, to Saint Mary's Bridge, in or near the said Town of Derby, and to Sawley Ferry, shall be deemed the Second of such Districts; and the said Trustees, or any Nine or more of them, assembled at their First or any subsequent Meeting or Meetings, may adjourn themselves to such Places within or near such Districts, and hold Meetings, and act separately for such respective Districts; and may, at the Meetings to be held for such Districts, adjourn from time to time, and hold their Meetings for such Districts respectively at such Place or Places as they, or any Five or more of them, shall, from time to time, think most convenient; and the Trustees assembled at such Meetings respectively, or such Numbers of them as are by this Act authorized to put the respective Powers and Purposes thereof in Execution, are hereby fully impowered to put in Execution this Act in relation to the District respectively for which such Meetings shall be held; and the Trustees assembled at any Meeting or Meetings for such respective Districts, may, in like Manner, subdivide themselves to put in Execution the Powers of this Act, with respect to any Part or Parts of the Road in such respective Districts, in such Manner, and for such Purposes, as the Trustees, or any Seven or more of them, assembled at any Meeting or Meetings for such Districts respectively, shall, from time to time, authorize and appoint.

Division of the Roads into Two Districts.

Adjournments of Trustees within their respective Districts;

and their Subdivisions within the same.

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, paid and discharged out of the Tolls to be collected or raised within the said respective Districts, or the Monies to be borrowed

borrowed on the Credit of such Tolls respectively in Proportion to the Extent of such respective Roads; 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 said respective Tolls, and the Monies to be borrowed on the Credit thereof, shall be, from time to time, applied in erecting and maintaining the Turnpikes and Toll-houses, and paying the Collectors of the Tolls within the District respectively wherein, or in relation whereto, such Tolls or Monies shall arise or be borrowed; and the Residue of the Tolls arising, and Monies to be borrowed in or in respect of the said First District, shall be applied in equal Moieties in repairing and widening such Parts of the said Road as lead from Grantham to the Top of Elton Hill, and from the Top of Elton Hill to Nottingham Trent Bridge, and in defraying the Expences of putting this Act in Execution upon, and in relation to, such respective Parts of the said Road; and that the Residue of the Tolls arising, and Monies to be borrowed in or in respect of the said Second District, shall be in like Manner applied in equal Moieties for, and in relation to, such Parts of the said Road as lead from the said Chappel Bar to the West End of Risley, and from the West End of Risley to the said Saint Mary's Bridge; and after either of the Parts of the Road in each District respectively shall, in the Opinion of the said Trustees, or any Nine or more of them, be well and effectually repaired, the Surplus which shall remain of the Moiety of the said Tolls, and Monies herein before made applicable to such respective Part of the said Road, shall, after defraying the Charges of keeping the same in Repair, and of putting this Act in Execution in relation thereto, be, from time to time, applied in repairing the other Part of the Road, in such respective District, which shall not be completely and effectually repaired and widened; and that after all the said Road from the said Chappel Bar to Saint Mary's Bridge, shall be well and effectually repaired, the Surplus which shall remain of the Monies herein before made applicable to the said Road, after defraying the Charges of keeping the same in Repair, and defraying the necessary Expence of executing this Act, with respect to the said Second District, or such Part of the said Surplus as the said Trustees, or any Nine or more of them, shall, from time to time, think proper and necessary, shall be applied in repairing and widening the said Road from the Guide Post near certain Lands called The Abbey

Application of the Monies.

Lands, in the said Parish of Lenton, through Beeston, Chilwell, Toton, Long Eaton, and Sawley, in the County of Nottingham, to Sawley Ferry; and that separate and distinct Accounts shall be kept of the Receipt and Expenditure of such respective Tolls and Monies; any thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Tolls.

And it is hereby enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage, actually employed in carrying 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, Mold, Soil, Marl, Chalk, or Compost for manuring the Grounds in such Township or Hamlet as aforesaid; or laden with Grass, Hay, Saintfoin, Fodder, Straw, or 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 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, 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; 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 Lincoln, Leicester, Nottingham, or Derby, or of a Burgess or Burgesses to serve in Parliament for the Town of Nottingham, Derby, or Grantham, on the Day or Days of any such Election, or the

the Day before, or Day after, any such Election shall begin, or be concluded; and that no Toll shall be demanded or taken for any Cattle, Beasts, or Carriage, which shall only cross any Part of the said Roads.

Penalty on making illegal Claims, not being intitled thereto.

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; One Moiety whereof 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.

Carriages travelling on the first District allowed as many Horses as formerly, till Notice to the contrary be given by the Trustees.

Provided also, and be it further enacted, That it shall and may be lawful to and for all Persons travelling with Carriages, upon any Part of the said Road, between Grantham and Nottingham Trent Bridge, to draw the same with as many Horses as they might otherwise have done, had not this present Act been made, until Notice to the contrary thereof shall be given by the said Trustees, or any Nine or more of them, in Writing under their Hands and Seals, to be affixed upon all the Turnpikes to be erected upon that Part of the said Road.

Persons chargeable to the Repairs of 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.

Parish Surveyors to deliver in Lists of Persons who are chargeable with 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 or more 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 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 (Hay-time and Harvest excepted) 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 or Churchwarden, or 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; which Composition-monies shall be instantly paid, and shall be applied in the Repair of the respective Road, of which the Road in Respect whereof such Composition shall be made, is Part; 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 Materials for repairing the Highways.

Trustees, &c. 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 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 annually, or otherwise, in lieu of the said Tolls granted by this Act.

Trustees may compound with Travellers.

Exception.

And

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 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 shall 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.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

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 Offender's 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 Witness or 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 respective Road whereon, 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 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,

mitted, 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 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 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 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 of this Act, for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament.

On Death or Removal 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 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 County of Lincoln, Leicester, Nottingham, or Derby, or in the Town of Nottingham, in the Room

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, 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 Blackmoor's Head, in the said Town of Nottingham, on the Twenty first Day after the passing of 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 respective 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 said 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 then erected on the Road for which such Meeting was appointed to be held, 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 such respective Road, 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.

Notice to be given of future Meetings.

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 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 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

Qualifications of Trustees.

Penalty on acting if not qualified.

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 Lincoln, Leicester, Nottingham, and 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 had 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 the repairing the said Roads.

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 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.

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

No Order made shall be repealed, unless Nine 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 shall be given of such Meeting upon all the Turnpikes upon the respective Road, to which such Order or Determination shall relate.

No Officer to gain a Settlement by this Act.

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, who are 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 Lincoln, Leicester, Nottingham, or Derby, shall and may, notwithstanding their being Trustees, act as Justices of the Peace for the more 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 Execution of the Powers hereby

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; and that no Order or Determination shall be made by the said Trustees in the Execution of this Act, unless the Majority of the Trustees present, shall concur therein, such Majority not being less than the respective Numbers by this Act authorized to make such Order or Determination.

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 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.

and signed by the Clerk.

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.

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 County of Lincoln, Leicester, 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 Non-

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suited, 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 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.