Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, in the County of *Nottingham*.

WHEREAS the Road leading from Worksop, in the County of Nottingham, through the Towns of Budby, Ollerton, Wellow, Ompton, and Kneesal, to Kelham in the said County, near to the House of John Baker known by the Sign of The Fox there, where the same joins the Turnpike Road from Southwell to Newark; and also the Road leading from the first-mentioned Road, at or near a Place called Debdale Hill, in the Parish of South Muskham, in the said County, to the Place where Preamble.

the ſame joins the great Northern Road near Huggins's Houſe at the Town of South Muſkham aforeſaid, are in a very ruinous Condition, and ſo narrow in many Places, as not only in Winter and rainy Seaſons to be quite dangerous, but alſo in the Summer Seaſon almoſt impaſſable for Wheel-carriages: And whereas the ſaid Roads cannot be repaired, widened, and kept in Repair by the Laws now in being for the Repair of the Highways: 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 Right Honourable John Manners commonly called Marquis of Granby, the Right Honourable Francis Oſborne commonly called Marquis of Caermarthen, the Right Honourable Clinton commonly called Earl of Lincoln, the Right Honourable Edward Bentinck commonly called Lord Edward Bentinck, the Right Honourable George Lumley commonly called Viſcount Lumley, the Right Honourable George Sutton commonly called Lord George Sutton, the Honourable John Shelly, the Honourable Thomas Willoughby, the Honourable Morgan Vane, Sir George Savile Baronet, Sir William Molyneux Baronet, Sir Samuel Gordon Baronet, Sir Francis Molyneux Knight, the Honourable and Reverend Gideon Murray D. D. the Reverend Samuel Abſon, the Reverend Chriſtopher Alderſon, Thomas Allen, Henry Athorpe, Francis Atkinſon, John Barker, Robert Bates, Woodifield Beckwith, William Bennet, the Reverend Baſil Berridge, Richard Binney, Thomas Binney, Samuel Boot, Richard Turner Beecher, Thomas Briſtow, John Briſtow, Thomas Briſtow, the Reverend Edward Briſtow, the Reverend Brookſbank, Samuel Brookſby, Job Brough, William Brough, Samuel Buck, Darcy Burnell, the Reverend John Carver, Noble Champion, the Reverend Thomas Cockſhut, William Clay of Eaſtthorpe, William Clay of Weſtthorpe, Richard Clay, James Clarke, Thomas Clarke, Daniel Cowley, William Crawſhaw, John Curtis, William Dixon, George Donſton, Charles Doncaſter, William Downes, William Deniſon, Thomas Eadoe, John Eddiſon, Leonard Eſom, the Reverend John Auguſtine Finch, Robert Foſter, Thomas Flower, Richard Flower, Roger Garvis, Robert Gainsford, Michael Gibſon, Robert Gilbert, the Reverend John Gregory, the Reverend John Griffith, the Reverend Francis Halliday, William Handley, the Reverend William Harding, Thomas Heron, Richard Herring, John Hewett, Robert Holden, Atkinſon Holden,

Truſtees Names.

George Hodgkinſon, George Holt, George Holt *junior*, David Holt, Henry Howard, Henry Huggins, Nicholas Hutchinſon, Richard Jackſon, Thomas Judſon, Henſon Kirkby, John Galley Knight, William Langley, **the Reverend** William Law, John Langſdale, John Lund, Sherbrook Lowe, Æneas Macdonald, William Melliſh, Charles Melliſh **of** Blyth, **the Reverend** Matthew Markland, George Marſh, William Martin, Joſeph Martin, John Milnes, Henry Milnes, Edward Oates, Walter Oborne, Francis Oldham, Willam Owtram, John Parker **of** Woodthorpe, **the Reverend** John Peacock, Paul Pearſon, George Pinder, Roger Pocklington, Joſeph Pocklington, Robert Pointon, **the Reverend Doctor** William Raſtal, Timothy Raſtal, John Richardſon, John Ridghill, John Robinſon, Rodes, Robert Rogers, Richard Roe, Anthony Saint Leger, Samuel Sherring, Samuel Shore, George Shuttleworth, **the Reverend** John Wheatley Soreſby, Francis Simes, Robert Spencer, **the Reverend** John Stacye, Jonathan Stanyforth, Arthur Charles Stanhope, Philip Stanhope, Richard Stenton **of** Southwell, John Sutton, **the Reverend Doctor** Richard Sutton, Robert Sutton *junior*, Joſeph Sykes, Thomas Tagge, Charles Taylor, Richard Thompſon, Thomas Thoroton, Samuel Tooker, William Toone, **the Reverend** Hammond Turner, Robert Turner, Benjamin Turner, John Veſſey, **the Reverend** Joſhua Waddington, **the Reverend** John Ward, John Whetham, John Whitaker, Taylor White, Taylor White *junior*, **the Reverend Doctor** Bernard Wilſon, Joſeph Wilſon, William Wilſon **of** Rufford, Joſeph Wood, William Wood, Robert Wombell, John Woodyeare, Joſias Wordſworth, John Wright, Robert Wright, John Wragg, **ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be and are hereby appointed Truſtees for ſurveying, widening, amending, and keeping in Repair the ſaid Roads, and alſo for putting this Act in Execution.**

Qualification of Truſtees.

Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes; or poſſeſſed of, or entitled unto a Perſonal Eſtate alone of the Value of One thouſand Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds; and if any Perſon, not being ſo

qualified, shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act.

First Meeting of Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Samuel Boot, known by the Sign of The White Hart, or some other convenient House in Ollerton, on Friday the Twentieth Day of April next, and proceed to the Execution of this Act; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, 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, or to adjourn to another Day, the Trustee or Trustees, then present, or the Clerk to the said Trustees shall, from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes, which shall be then erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, or at any other Place on or near the said Road on that Day Three Weeks next, or on some other Day within a Month after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless

If a sufficient Number of Trustees do not attend, Notice to be given of another Meeting.

Trustees to defray their own Expences.

Proceedings to be at Meetings only.

Exception.

less Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person qualified as aforesaid, to be a Trustee in the Room and Place of such Trustee so dying or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing at all the Turnpikes which shall be erected by virtue of this Act, and upon the Market-crosses of Ollerton, Newark, and Worksop, at least Twenty Days before every such Meeting; and all such Persons who shall be so chosen shall be joined with such remaining or surviving Trustees, and are hereby authorised and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as the Trustees hereby appointed are authorised and impowered to act.

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

Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint, shall and may erect or cause to be erected such and so many Gates or Turnpikes in, upon, or across such Parts and in such Places on the said Roads, and also a Toll-house to each Gate or Turnpike, as the said Trustees, or any Seven or more of them, shall direct or appoint, and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken at each of the said Turnpikes or Toll-gates by such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same; that is to say, From the First Day of May to the Thirty-first Day of October, both Days inclusive, in every Year;

Trustees may remove and erect Turnpikes and Toll-houses, and take Tolls thereat.

For

The Tolls.

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Chair, Hearse, or Chaise-marine, drawn by Six Horses or Beasts of Draught, One Shilling and Sixpence; and drawn by Four Horses, or other Beasts of Draught, One Shilling; and drawn by Two Horses, or other Beasts of Draught, Ninepence; and drawn by One Horse, or other Beast of Draught, Four-pence.

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage laden with a Block or Blocks of Stone or Marble, or with Timber, or drawing any Mill-stone or Mill-stones, the Sum of Sixpence.

For every Horse, Ox, or other Beast of Draught, drawing any other Waggon, Wain, Cart, or Carriage with narrow Wheels, Four-pence Halfpenny.

And for every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage having the Breadth of the Fellies of the Wheels Nine Inches, Three-pence.

And for every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage having the Breadth of the Fellies of the Wheels Six Inches, and drawn with not more than Two Horses or Four Oxen, Three-pence.

And upon and from the First Day of November to the last Day of April, both Days inclusive, in every Year,

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Chair, Hearse, or Chaise-marine, drawn by Six Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, One Shilling and Nine-pence; and drawn by Two Horses, or other Beasts of Draught, One Shilling and Three-pence; and drawn by One Horse, or other Beast of Draught, Sixpence.

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage, laden with a Block or Blocks of Stone or Marble, or with Timber, or drawing any Mill-stone or Mill-stones, the Sum of Nine-pence.

For every Horse, Ox, or other Beast of Draught, drawing any other Waggon, Wain, Cart, or Carriage with narrow Wheels, Sixpence.

And for every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage having

ing the Breadth of the Fellies of the Wheels Nine Inches, Four-pence.

And for every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage, having the Breadth of the Fellies of the Wheels Six Inches, and drawn with not more than Two Horses or Four Oxen, Four-pence.

And throughout the Year, for every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, Ten-pence a Score, and so in Proportion for any greater or less Number.

And for every Drove or Herd of Calves, Swine, Sheep, or Lambs, Five-pence a Score, and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting of such Tolls, to seize and distrain, any Horse or Cattle, Beast, or any Goods or Carriage upon which any such Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattels so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after-mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across any Lane or Bye-way that does or shall lead into or out of the same,

Trustees may erect Side-gates, and take Tolls thereat.

and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge on any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

No Turnpike to be erected within Two Miles of *Worksop*.

Provided always, and be it enacted, That no Gate or Turnpike shall be erected nearer to the Town of Worksop than within the Distance of Two Miles.

Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided for by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for the 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 bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall in the First Place pay all the reasonable Expences incurred in and in relation to the obtaining of this Act, and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Tolls may be lessened,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first Meeting, and from Time to Time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven 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 of Money, not exceeding the re-

ſpective Rates herein before mentioned; and the ſaid Truſtees, or any Seven or more of them, may from Time to Time direct the Tolls hereby granted, or ſo reduced as aforeſaid, to be collected in ſuch Parts and Proportions at the Turnpikes as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit; 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 ſaid Tolls are directed to be collected, levied, and applied: But no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting, unleſs the Perſon or Perſons, who ſhall be intitled to Three Fifths of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch ſubſequent Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Twenty Days previous Notice at the leaſt ſhall be given thereof in Writing to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act, and upon the Market-croſſes or other conſpicuous Places in the Towns of Worksop, Newark, and Ollerton aforeſaid.

with Conſent of Creditors

20 Days Notice thereof to be given.

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any Toll-gate to be erected upon the ſaid Roads, for paſſing or repaſſing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Horſes, Cattle Beaſts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the ſaid Roads, or upon the Sides thereof, and croſs any Lane or Way leading into the ſame; but all and every Perſon and Perſons, after having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Toll, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages Toll-free during ſuch Day through the ſame Gate or Turnpike.

Toll to be paid but once a Day at the ſame Gate;

Provided alſo, That no more than Three Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſes, Cattle, Beaſts, or Carriages through all the Toll gates or Turnpikes to be erected by virtue of this Act; but that all and every Perſon and Perſons having paid

and not more than 3 Times for paſſing through all the Gates:

paid the said Three Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Three Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Tolls) shall pass and repass with the same Horses, Cattle, Beasts, or Carriages Toll-free during such Day through all the Toll-gates or Turnpikes to be erected by virtue of this Act.

If 2 Tolls sufficient, no more to taken.

Provided always, That if the said Trustees shall find Two Tolls sufficient for the Purposes of this Act, then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby required to order that no more than Two Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Cattle or Carriages through all the said Toll-gates or Turnpikes.

Trustees may compound for Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Townships, Parishes, Hamlets, or Places to or through which the Roads hereby directed to be repaired do lead, for the Passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be paid yearly in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Compositionmonies shall be applied in such Manner as the Tolls are directed to be applied: Provided nevertheless, that this Act shall not authorise the taking any Composition for or in respect of any Horses, Cattle, Beasts, or Carriages travelling for Hire.

And whereas Part of the said Roads joins the Turnpike Road called the Southwell Turnpike Road at or near Kelham: And whereas the great North Turnpike Road is continued from the Termination of the said Southwell Turnpike to the Town of Newark: And whereas it would be a great Hardship to Travellers who have paid Toll at any Turnpike to be erected by virtue of this Act, if they were subject and liable to pay Toll for passing along either of the said respective Turnpike Roads from the Termination of the Roads by this Act directed to be repaired, where it joins the said Southwell Turnpike, to the Town of Newark: Be it enacted, by the Authority aforesaid, That no Toll shall be demanded or

taken at any Gate or Gates that may be erected upon the said respective Roads from the Termination of the Roads by this Act directed to be repaired, where it joins the said Southwell Turnpike, to the said Town of Newark, from any Person or Persons who shall have paid Toll at any Gate to be erected by virtue of this Act for passing the same Day, the Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, from the Termination of the Roads by this Act directed to be repaired, where it joins the said Southwell Turnpike, to the said Town of Newark, through such Gate or Gates that may be erected on the said respective Roads, with the same Horses, Cattle, Beasts, or Carriages, for which he or they shall have paid Toll at any Gate to be erected by virtue of this Act; and that no Person or Persons having paid Toll at any Gate to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting such Payment, shall during such Day be subject to the Payment of any Toll by either or any of the Acts for repairing the said respective Roads imposed, for passing the same Day through all or any of the Gates that may be erected upon the said respective Roads from the Termination of the Roads by this Act directed to be repaired, where it joins the said Southwell Turnpike, to the said Town of Newark, with the same Horses, Cattle, Beasts, or Carriages, for which he or they shall have paid Toll at any Gate to be erected by virtue of this Act; any Clause, Provision, or Power in the said respective Acts, or any of them, to the contrary notwithstanding: Provided nevertheless, that such Exemption from Toll shall not extend, or be construed or deemed to extend, to Persons passing from the said Town of Newark through any such Gate or Gates which may be so erected upon either of the said respective Roads, with any Horses, Cattle, Beasts, or Carriages.

Exemptions from Toll.

Exception.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, on giving Notice in Writing to be fixed on all the Turnpike-gates which shall be then erected by virtue of this Act, and upon the Market-crosses of Worksop, Ollerton, and Newark, of their Intent to let such Tolls, at least Ten Days before their Meeting for such Purpose, and from Time to Time, by Writing under their Hands and Seals, to demise and lease the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons from Year to

Trustees may lease, &c. the Tolls.

Year, or for any Term of Years not exceeding Three Years, for the best Price or yearly Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them, shall direct or appoint; which Monies so to be paid shall be applied and disposed of, as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Exemptions from Toll.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, or any Horse, Ass, Mule, Cattle, or Beast laden only with, carrying, drawing, or empty, and going for, or returning having been laden only with, on the same Day, any Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or for any Carriage laden only with, or empty and going for, or returning empty having been laden with, on the same Day, any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure employed in Husbandry, for manuring or improving of Lands in any of the several Townships in which the said Roads do lie; or from any Person or Persons who may hold or occupy any Farm within any Township or Hamlet in which any Toll-gate or Toll-bar shall be erected, going to or returning from any Part of his said Farm; or from any Person or Persons residing in any of the said several Townships in which the said Roads, or any Part thereof, do respectively lie, who shall pass through any of the said Turnpikes or Crossgates to or from their proper or Parochial Church, Chapel, or other Place of Religious Worship which they usually resort to on Sundays, or who shall attend the Funeral of any Person or Persons that shall die and be buried in any Parish in which the said Roads do lie; or for any Horse or Cattle going to or from Water or Pasture; or for any Horse or Carriage laden with Water; or for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers passing that are upon their March, or for Waggons, Wains, Carts, and Carriages attending them; or for Horses, Carts, and Carriages travelling with Vagrants sent by Passes, or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes,

laſhes, Chaiſes, Chairs, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of Nottingham only; and that no Toll ſhall be demanded or taken in reſpect of any Horſe, Cattle, Beaſt, or Carriage, which ſhall not travel at leaſt Two hundred Yards upon the ſaid Roads: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Forty Shillings.

Penalty on forging or diſpoſing of Tickets, &c. to avoid Payment of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever paſs through any Land, Ground, or Hereditament adjoining to or lying near any Turnpike to be by virtue of this Act erected, the ſame not being a common Road; or if any Owner or Occupier of any ſuch Ground, Land or Hereditament ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall at any Time or Times take off or cauſe to be taken off any Horſe or other Cattle or Beaſt from any Carriage, whereby the Payment of any Toll, or any Part of the ſaid Tolls ſhall be evaded; or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Roads any Carriage, Horſe, Cattle, or Beaſt, with an Intent to evade the Payment of any of the ſaid Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; One Moiety whereof ſhall be paid to the Informer or Informers, and the other Moiety thereof ſhall be applied towards amending the ſaid Roads.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Truſtees, or any Seven or more of them, at their Firſt or any ſubſequent Meeting, upon the Credit of the ſaid Tolls, in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt any ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit; and they, or any Seven or more of them, are hereby impowered, from Time to Time, by Writing or Writings under their Hands and Seals, to mortgage and

Tolls may be assigned for Monies borrowed.

and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid; and the Dates and Contents of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting, unless Notice be for that Purpose fixed in Writing upon all the before-mentioned Turnpikes, and the Market Crosses of Worksop, Ollerton, and Newark, at least Ten Days before the borrowing of such Money; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and all the Monies both Principal and Interest that shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected, without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Assignments to be entered in a Book.

Ten Days Notice to be given of borrowing Money.

And

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect of the Priority of advancing such Sum or Sums; but that all Persons, to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors in equal Degree One with another. All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, or other Officers, or any of them, from Time to Time, to remove, and to appoint others in the Room of such of them as shall be so removed or shall die; and may and are hereby authorised and impowered, out of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, for that Purpose, appoint, true and perfect Accounts in Writing under their respective Hands upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall, to that Time, have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and if any Trustees may appoint Officers, and remove them, and appoint others. Trustees to allow Officers Salaries. Officers to account upon Oath.

Officers refusing to account,

such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to produce or deliver up the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall refuse or neglect to pay the Money due on such Account, in Manner as aforesaid; or if any Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act; in each, any, or either of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the County of Nottingham, where any Part of the said Roads, in respect of which the said Refusal or Default to be made, doth lie; and such Justices, upon Complaint thereof being made to them, are hereby required to make Inquiry concerning such Refusal or Default, as well by the Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices, or any of them, are and is hereby impowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justices shall and may commit every such Offender to the Common Gaol or House of Correction of the County, Riding, Division, or Place where any Part of the Roads, in respect of which the said Refusal or Default made, doth lie, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner 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, are hereby impowered to make); or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Justices to commit the Offender, until Payment or Composition made.

Treasurer, &c. to give Security.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorised and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his

and

and their Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

Victuallers, &c not to enjoy Places of Profit.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

Collectors may be appointed, though not at a Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away,

without paying for the same, levelling the Pits;

or from private Grounds;

making Satisfaction to the Owners.

away, or over which the same or any other Materials gotten in any Waste Ground, Common, River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

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 (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw or otherwise,

turn Watercourses,

and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads to the

scour Drains,

Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as

cut down and lop Trees;

he or they shall think necessary, and to cut down, lop, or top any Trees, Shrubs, 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 neglecting to do the same after the Space of 10 Days Notice.

Owners or Occupiers of the Premises shall neglect to lop, or top, cut down, and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered and applied; 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 Forty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and

to

to erect, rebuild, and keep in Repair Bridges and Arches upon the said Roads, and across any such Ditch or Drain where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a public Highway, whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood, or Waste Ground.

erect Bridges,

and widen the narrow Parts of the Road;

making Satisfaction to the Owners of the Grounds.

Provided always, That in the case the ancient or former Way over any Wood or Waste Ground shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish wherein the old or former Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place with which the new Road doth not communicate.

If Road discontinued, Inhabitants not liable to the Repair thereof.

And be it enacted, That when any Part of the said Roads over any Wood, Common, Waste Grounds, open Fields or Pastures shall be made or repaired in pursuance of this Act; the said Roads shall for ever thereafter be and remain Sixty Feet broad, and be deemed a publick and common Highway.

Roads to be Sixty Feet broad.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause or attempt to be assaulted, interrupted or hindered any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, taking, or carrying away of any Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials for the altering, widening,

Penalty on interrupting Surveyors, &c.

or repairing the said Roads, or any Part or Parts thereof, or in topping, lopping, cutting down, or removing any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring any Ditch, Drain, or Watercourse, or in doing any other Act in or for the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may turn or alter the Course of the Road.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, for the better Accomodation of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from Time to Time, to divert, turn, or alter the Course or Path of any Part or Parts of the said Roads through or over any Moor or Waste Ground, without making any Satisfaction for the same; also through any private Grounds or Hereditaments, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes-covert, Cestuique Trusts, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Seven or more of them, all or any of such Lands or Hereditaments as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other

Trustees may contract for the Purchase of Lands.

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

Matter

Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act: And if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so to be taken in, and added to the said Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Roads into the same; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the Places in Question, if there be Occasion, and use all lawful Ways and Means,

Where Persons refuse to treat, &c.

Jury to settle the Damage and Recompence.

Means, as well for their own as for the said Jury's better Information in the Premises, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained and settled such Damage and Recompence, the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And, for the summoning or returing such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands or Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; and the Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impaneled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, and being so sworn, and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied and applied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor be more than the Sum of Forty Shillings upon any other Person, for any One Offence.

Trustees may impose a Fine upon Sheriff, &c. making Default.

Fine not to exceed 10 *l.* or 40 *s.*

And be it enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Monies to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto or to their Agents; and upon Payment thereof, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Trustees for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct; and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be, and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired and kept in Repair in such Manner as the Roads

On Payment of Purchase-money Lands vested in the Trustees.

hereby appointed to be repaired and widened is by this or any other Law to be repaired; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting such former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the said Roads; or the said Trustees, or any Five or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting the former Roads for any Part or Parts of such new Roads; and the Sale, or Conveyance or Conveyances, or Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the Riding or County where such Lands or Grounds do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees; any Thing herein contained to the contrary notwithstanding.

Old Road may be sold.

Dwelling houses, &c. not to be injured.

Provided always, That the Lords of the respective Manors shall have the same Interest and Property in such new Roads as they were possessed of or intitled unto in the former Road, and in lieu whereof such new Road shall be made; and also shall continue to have, possess, and enjoy the same Interest and Property in such old Road so to be sold, as they had before the Passing of this Act; any Thing herein contained to the contrary notwithstanding.

Lords of the Manor to have the same Interests, &c.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments, wherein he shall be concerned or interested.

Trustees not to act where interested.

And it is hereby also enacted and declared, That all Persons who are any ways liable or chargeable towards repairing the said Roads, or any Part thereof, shall remain still liable and chargeable to such Repairs in such Manner as before the Passing of this Act they were

Persons &c. chargeable to the Repair of the Roads, to continue so.

were liable and chargeable; except so far as is in and by this Act otherwise directed.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads do lie, and all other Persons liable to perform the Work commonly called Statute-work upon the said Roads, shall remain subject to the Performance of such Work, except otherwise directed by this Act; and every Person who shall rent, hold or occupy any Lands, Tenements, or Hereditaments of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places in which any Part of the said Road lies, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, or Places, are liable by Law to do Statute-work, and shall distinguish in such Lists which of such Persons shall or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, having due Regard to the repairing the other Highways within such Townships, Parishes, or Places, shall from Time to Time direct

Persons renting 50*l. per Annum*, deemed Teamholders.

Parish Surveyors &c. to deliver a Lists of Persons liable to do Statute-work.

and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor of such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by the Turnpike Surveyor or Surveyors of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall for every such Neglect or Refusal forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or, by virtue of this Act, shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or, being by virtue of this Act, not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Sixpence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Neglect.

Penalty on neglecting to perform Statute-work.

Labourers found idle, to be turned off.

Persons aggrieved, may appeal to the Quarter Sessions.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the Time being of any of the said Townships, Parishes, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorised, have directed or appointed too large a Pro-

portion

portion of the Statute-work in any Township, Parish, or Place to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid to appeal to the General Quarter sessions of the Peace to be held for the County of Nottingham; and the Justices, in their said Quarter-sessions, are hereby authorised and impowered finally to adjust and determine what Proportion of the Statute-work (not being less than One Day's Work) in any such Township, Parish, or Place shall be done on the said Roads; such Surveyor or Surveyors of the Highways as aforesaid first giving Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorised as aforesaid by the said Trustees.

Justices to determine finally.

Notice of Appeal to be given.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree for any Term, not exceeding One Year, with the Possessors or Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships or Places, or such Churchwardens or Overseers of the Poor, respectively, as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at a Vestry or other publick Meeting of such Inhabitants, to compound or agree for any Term, not exceeding One Year, 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-money shall be paid in Advance from Time to Time, and shall be applied in Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor shall be reimbursed the Money 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 may determine the Statute-work.

Composition-money to be paid in Advance.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered and required, before the Twenty-ninth Day of September One thousand seven hundred and seventy, to cause the said Roads to be measured, and Mile-stones or Posts to be set up on the

Roads to be measured, and Mile-stones erected.

Sides of the said Roads, with Inscriptions thereon denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads leading out of the said Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions that shall be made thereon, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, or defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattels of such Offenders, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Riding, Division or Place where the Offence shall be committed, before whom such Conviction shall be made; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and employed in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new Ones in their stead; and if there shall be an Overplus of such Forfeitures, the same shall be be laid out in repairing the said Roads; and in case the said Penalty shall not be forthwith paid upon Conviction, that then it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Goal or House of Correction for the County, Riding, Division, or Place wherein such Offence shall be committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or until the said Sum of Forty Shillings shall have been paid.

Penalty on defacing Milestones.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages.

And be it enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel-carriages, to drag upon any Part of the said Roads to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

And

And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorised to be imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace of the County, Riding, Division, or Place wherein the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby authorised and required to grant for those Purposes, and to administer such Oath gratis) and the Overplus, after such Penalties Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied in putting this Act in Execution: And in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Goal or House of Correction for the County, Riding, Division, or Place where the Matter shall arise, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved, by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter-sessions of the Peace for the County, Riding, Division or Place wherein the Cause of Complaint shall arise; such Appellant first giving or causing to be given Ten entire Days Notice at the least in Writing

Persons aggrieved may appeal to the Quarter-sessions.

Notice of Appeal to be given.

of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the respective County, Riding, or Division, with Two sufficient Sureties, conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter-sessions; and the said Justices at their said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall proceed in and hear and finally determine the Causes and Matters of such Appeals in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter-sessions shall be binding and conclusive to all Intents and Purposes.

Justices to determine finally,

and award Costs.

Trustees may contract for repairing the Roads, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorise, delegate, or appoint, are hereby impowered to contract with any Person or Persons for repairing, widening, or altering the said Roads, or any Part thereof, and for erecting Mile-stones or Posts thereon, in such Manner, or for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper.

Contracts to be binding.

And be it enacted by the Authority aforesaid, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

And

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, in the Execution of the Powers hereby to them given shall, from Time to Time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said Trustees, and shall be taken and deemed to be original Orders; which said Book or Books, and also the 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.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from 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.

And, for the more easy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or any other Form of Words to the same Effect:

Form of Conviction.

County of } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A B* is convicted before of His Majesty's Justices of the Peace for the County aforesaid, by virtue of an Act of the Tenth Year of the Reign of His Majesty King *George* the Third, "for repairing and widening the Road from *Worksop* to the "Turnpike Road at *Kelham*, and from *Debdale Hill* "to the Great Northern Road at *South Muskham*, "in the County of *Nottingham*:" *(Specifying the Offence, and when and where committed).*

Given under our Hands and Seals, *or* Hand and Seal, the Day and Year aforesaid.

Proceedings not to be quashed for want of Form only;

Which said Form of Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, or any Order made, or other Matter or Thing to be done or transacted touching any Matter in or relating to the Execution of this Act, shall not be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the Contrary notwithstanding.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where such Matters and Things shall respectively be committed and done, and not elsewhere; and the Defendant or Defendants in

General Issue.

every such Action or Suit shall and may plead the General Issue, Not Guilty, 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plain-

Treble Costs.

tiff or Plaintiffs; then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.