Anno quarto

# Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the high Roads leading from *Alfreton*, in the County of *Derby*, through *Carter Lane*, to a certain Place in the Town of *Mansfield*, called *Stockwell*; and from the *Bridle Gate*, at the Diviſion of the Liberties of *Blackwell* and *Hucknall*, through the Town of *Sutton* in *Aſhfield*, to the *Mansfield* and *Newark* Turnpike, at or near *Python Hill*, in the Foreſt of *Sherwood*, in the County of *Nottingham*.

WHEREAS the high Roads leading from Alfreton, in the County of Derby, through Carter Lane, to a certain Place in the Town of Mansfield, called Stockwell; and from the Bridle Gate, at the Diviſion of the Liberties of Blackwell and Hucknall, through the Town of Sutton in Aſhfield, to the Mansfield and Newark Turnpike, at or near Python Hill, in the Foreſt of Sherwood, in the County of Nottingham; are, through the many heavy Carriages daily paſſing thereon, in a ruinous Condition, and in ſome Places narrow and incommodious, and the ſaid Roads cannot be effectually Preamble.

repaired, widened, and kept in Repair, by the ordinary Course appointed by the Laws in being; 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 George Cavendish, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck; Samuel Allen, Joseph Ashley, Sir Robert Burdett Baronet, the Honourable George Byron, Nathaniel Bacon, Nathaniel Bacon the younger, George Bacon, George Bansall, George Barker, Benjamin Barker, William Barrow, Charles Bellamy, Richard Turner Becher, William Bilbie, William Bilby, Martin Bird, John Blagg, John Boot, Joseph Boot, John Bowden, Thomas Bowden, William Bower, Isaac Browne, John Brailsford, Samuel Brailsford, Thomas Brailsford, William Brailsford, Joseph Briggs, Robert Bright, Francis Brodhurst, Brough, Thomas Browne, Ralph Brocksopp, Joseph Bryan, Buney, George Burden, Matthew Butcher, Sir Gervas Clifton Baronet, Asheton Curzon, Anthony Carr Clerk, Thomas Calton, Samuel Cartwright, Robert Charlesworth Clerk, William Chaworth of Annesley, William Chaworth of Basford, Godfrey Clarke, Godfrey Clarke the younger, Thomas Clarke, William Clarke of Hardwick, the Reverend William Clarke, Richard Clay, Thomas Clay, John Clay, William Clay, Loftus Clifford, Christopher Colclough, Samuel Colclough, William Cossen, Christopher Cotton, Thomas Cotton, Edward Cowpe, John Cox, John Dakeyne, Jonathan Dannah, Joseph Dannah, Edward Dawson, Jeremiah Deplidge, William Dickens, Thomas Dodson, John Dowdeswell, Zachariah Downing, John Downing, William Downing, William Downing junior, Sir John Every Baronet, John Egginton, Clement Ellis, Robert Evans, William Fitzherbert, Thomas Fidler Clerk, Goodere Fletcher, Samuel Fletcher, John Fletcher, Thomas Fletcher, James Foxcroft, John Frost, Thomas Frost, John Gladwin, Edward Gould, John Green Clerk, John Gregory, the Honourable Robert Harley, the Honourable and Reverend William Harley, Sir Henry Harpur, Sir Henry

Trustees Names.

Henry Hunlocke, Baronets; the honourable William Howe, John Hewett, Urban Hall, Francis Hall, John Hall, Samuel Hall, Robert Hallifax, Brabazon Hallows, Reverend Chaworth Hallows, Immanuel Halton M. D. Miles Halton Clerk, James Hardwick, William Haſlam, Mathew Heath, Mathew Heath the younger, Eleazer Haywood Clerk, James Haywood Clerk, John Heywood, George Heywood, Thomas Heywood, John Hickſon, John Hickton, Samuel Hodgkinſon, Robert Banks Hodgkinſon, Edward Hodgkinſon, George Hodgkinſon, Thomas Holland, Chriſtopher Holmes, John Hopewell, James Hopkinſon, John Hopkinſon, William Hopkinſon, Edmund Horne, Cornelius Horne Clerk, John Horſley, Windſor Hunlocke, Robert Hunlocke, James Hunlocke, Thomas Hunt, William Hunter, Vickers Hunter, George Hurſt, Thomas Hurt Clerk, Mathew Jackſon, William Jackſon, Thomas Ince, Francis Inman, John Kellett, Ralph Knight, Jonathan Kendall, William Kyte, Sir Mathew Lamb Baronet, James Lavarack, Robert Lee, John Leeſon, Jonathan Leavers, Robert Lillyman, John Lillyman, John Litchfield, Edmund Litton M. D. Sherbrooke Lowe, James Lupton, Sir Charles Molyneux Baronet, Bakewell Machin, Jonah Malkin Clerk, John Mapples, John Marriott, William Marriott, George Maſon Clerk, Walter Mather, James Millns, William Millns, William Molyneux, Francis Molyneux, Joſeph More, George Morewood, John Mugliſton, John Naylor, Pendock Neale, John Newball, William Newſholme, Lancelot Newton, Robert Newton, Daniel Newton, Nathan Newton, Peter Nightingale, James Orr, Edward Otter Clerk, Robert Outram, Edmund Outram, Joſeph Outram, John Plumptre, Septimius Plumtre Clerk, Francis Parks, William Pawſon, John Pawſon, Pegge, Richard Pickburn, Edward Revell, Triſtram Revell, John Reynolds, Thomas Reynold, John Richardſon, Anthony Riley, Thomas Roberts, John Rogers, John Roper, Thomas Roper, Daniel Roper, Romley, Richard Roſe, Sir George Saville, Sir Charles Sedley, Sir George Smith, Baronets; Thomas Sales, Thomas Sales the younger, John Satterfield, Richard Saunders, George Senior, Joſeph Senior, Joſhua Senior, Ferdinando Shaw, William Shepperd, Samuel Shipperſon, Henry Sherbrooke, William Coape Sherbrooke, Samuel Siddon, Francis Simes, John Simes, John Simes the younger, George Simes, William Simes, Francis Simes Clerk, Abel Smith, William Smith, John Snell, Griffin Spencer, Arthur Charles Stanhope, Bryan Stanton, Richard Stenton, George Stow, Abraham Straw, William Strutt, John Sutton, Jeremiah

Sutton, William Sutton, Edward Taylor, William Taylor, James Tebbutt, Thomas Thoroton, William Thompſon, Charles Thompſon, John Thorpe, Robert Thorpe, Robert Thorpe the younger, Anthony Tiſſington, George Tiſſington, Anthony Tiſſington the younger, John Topham, William Toplis, Edward Turner, George Turner, Samuel Unwin, William Unwin, Samuel Unwin the younger, the Honourable Thomas Willoughby, Sir John Eardley Wilmot Knight, Sir Edward Wilmot, John Warſop, William Wathey, Robert Waterhouſe, John Watſon, Robert Watſon, Joſhua Wheldon, William Whelpdale, John White, Richard Whitehouſe, William Wigley, Benjamin Wigley, Benjamin Wilcock, John Wilkinſon of Hilcote, John Wilkinſon the younger, Stephen Wilkinſon, Stephen Wilkinſon of Skegby, Robert Wilkinſon, John Wilkinſon of Cheſterfield, Richard Wilkinſon, Richard Mead Wilmot, Edward Wilmot of Duffield, William Wilſon, Samuel Wilſon Clerk, John Wood Clerk, Hugh Wood, James Wood, Peter Wood, Thomas Woodhouſe, David Woodhouſe, Stephen Wooding, John Wooding, Charles Wright, Robert Wright, John Wright Clerk, Charles Wright junior, William Wright Maſter, John Wright, Hugh Wright, William Wright Threadmaker, Thomas Wright, William Wylde, William Wylde the younger, and John Wylde, ſhall be, and they and their Succeſſors, to be elected in Manner as is herein after-mentioned, are hereby appointed Truſtees for repairing, widening, and keeping in Repair, the ſaid Roads, and for putting this Act in Execution.

Time and Place of Truſtees Meeting.

And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the George Inn in Alfreton aforeſaid, on that Day Three Weeks after the Day of the paſſing of this Act, and proceed to the Execution thereof; and ſhall then, and from time to time afterwards, adjourn themſelves to meet at ſuch Place or Places upon or near the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall from time to time think moſt convenient for putting this Act in Execution: And if, at any Meeting or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk of the ſaid Truſtees, ſhall, from time to time, as often as ſuch Caſe ſhall ſo happen, by Notice to be affixed upon all the Turnpikes which ſhall then be erected by virtue of this Act, or on the Market Croſſes of the Towns of Alfreton and Mansfield aforeſaid, at leaſt Seven Days before

In Default of a ſufficient Number to act, Meeting to be adjourned.

before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other convenient Place in or near the said Roads, on the Fourteenth Day after the Day for which such last Meeting was appointed; and that 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 authorized to make any such Order or Determination; nor shall any Order or Determination of the said Trustees be revoked or altered at any subsequent Meeting, unless Nine Trustees at least be present and concur therein, and without Twenty one Days Notice being given of such subsequent Meeting upon all the Turnpikes to be erected by virtue of this Act, and such Notices Twice inserted in the Derby and Nottingham News Papers; 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 or shall be in the Commission of the Peace for the said County of Nottingham or Derby, shall and may, for the more speedy and effectual Execution hereof, act as Justices of the Peace, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor to be revoked unless 9 are present.

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

Trustees who are in the Commission of the Peace to act as Justices.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed or hereafter to be chosen, it shall and may be lawful for the surviving or remaining Trustees, or any Fifteen or more of them, from time to time, to elect One other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed on all the Turnpikes then erected by virtue of this Act, or on the Market Crosses of Alfreton and Mansfield aforesaid, at least Twenty one Days before every such Meeting; and all Persons who shall, from time to time, be so elected, 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 nominated and appointed are impowered to act.

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

21 Days Notice thereof to be given.

Provided

Qualification of Trustees.

Provided nevertheless, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in 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 intitled unto, a Personal Estate alone, of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, 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, 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 shall be applied in repairing the said Roads.

Penalty of acting, not being qualified.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, erect, or cause to be erected, One or more Turnpike or Turnpikes in, upon, or cross, any Part or Parts of the said Roads, and also a Turnpike or Turnpikes on the Side or Sides thereof, and in, upon, and cross, any Lane or Way leading, or which may lead, into or out of the same; and also to erect or provide, or cause to be erected or provided, a Toll-house at or near each Turnpike, and shall and may, from time to time, cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered, and the same again to put up or place in the same, or in, upon, or across, any other Part or Parts of the said Road; and that the Tolls following shall be demanded and taken at each of the said Turnpikes, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, nominate or appoint to collect, receive, or take the same, before any Horse, Cattle, Beast, or Carriage,

and take the following Tolls thereat.

Carriage, shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Chariot, Calash, Curricle, Chaise, or Chair, drawn by Six Horses, or other Beasts, the Sum of One Shilling and Six Pence; and drawn by Four Horses, or other Beasts, the Sum of One Shilling; and drawn by Two Horses, or other Beasts, the Sum of Six Pence; and for every Chaise or Chair, drawn by One Horse, or other Beast, the Sum of Three Pence. The Tolls.

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

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

For every Drove of Oxen or other 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.

And for every Pair of Mill-stones, Two Shillings and Six Pence.

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 the said Tolls, or any Part thereof, 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 for collecting such Tolls as aforesaid, to seize or distrain any Horse, or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure or Distress shall not be paid within the Space of Four Days after such Seizure or Distress made, the Person or Persons so seizing or distraining, shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so seized or distrained, returning the Overplus (if any be) upon actual Demand, Tolls to be levied by Distress and Sale.

Tolls vested in Trustees.

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 they are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

No Toll for crossing the Road only.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall cross the said Road only.

No Turnpikes, &c. to be erected at the Places here mentioned.

Provided always, That no Toll-gate or Turnpike shall be set or erected on that Part of the said Road which leads from Mansfield aforesaid, to Skegby, in the said County of Nottingham, or across or aside a certain Lane adjoining, and leading into the same, called Woodhouse Lane.

Provided always, That no Toll-gate, Turnpike, or Side-bar, shall be set or erected aside or across a certain Lane called Meadow Lane, in the Parish of Alfreton aforesaid, or on that Part of the Road that leads from the said Lane to the Town of Alfreton aforesaid.

Provided also, That no Toll-gate, Turnpike, or Side-bar, shall be set or erected between the East End of Fullwood Common, and the West End of Normanton Common; nor any Side-gate or Bar across or aside a certain Lane in the Parish of Pinxton, in the said County of Derby, called Birchwood Lane; or across or aside a certain Lane in the said Parish of Pinxton, called Pinxton Lane.

And whereas there is a certain Lane or Way in the Parish of Sutton in Ashfield aforesaid, called Willowbridge or Willowbrig Lane, which leads from the Town of Sutton in Ashfield aforesaid, to the Town of Alfreton aforesaid: And whereas, unless the said Lane or Way be stopped, and Persons prevented from publickly passing through the same, the Tolls, intended to be collected or taken by virtue of this Act, may be greatly evaded: For Remedy whereof, be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby impowered, and they shall and may, from and immediately or at any Time after the passing of this Act, and during the Continuance thereof, erect, or cause to be erected, a Gate over or across the West End of the said Lane, and thereon put or hang such Lock or Locks as they shall think proper, and continue the same to the Expiration of this Act, reserving always nevertheless to the Owners, Proprietors, and Tenants of any Closes, Lands or Pastures, lying up or along the said Lane, a free Way and Passage

Trustees may erect a Gate across *Willowbridge Lane*.

to the same: And for that Purpose the said Trustees, or any Five or more of them, shall give, or cause to be given or delivered, to the Owners, Proprietors, or Tenants of any Closes, Lands or Pasture, up or along the said Lane, One or more Key or Keys to the said Lock or Locks, which may be marked or numbered in such Manner as the said Trustees, or any Five or more of them, shall direct, for the proper Use and Benefit of the Possession or Tenants for the time being of the said Closes, Lands or Pasture, upon or along the said Lane; and if any such Owner, Proprietor, or Tenant, or any other Person or Persons, shall, by virtue of any such Key or Keys, or any other Key or Keys in the Nature or Form thereof, or otherwise, go up and through the said Lane and Gate, and from thence unto or upon any Part of the said Road, or shall lend, or willingly or wilfully permit any Person or Persons to take such Key or Keys, and such Person or Persons shall by virtue thereof go through the said Lane and Gate, and from thence unto or upon any Part of the said Road; or in case any Person shall pass through the said Gate, and leave the same unlocked, whereby the Payment of the said Tolls, or of any Part thereof, shall be evaded; in any of the said Cases, the Person or Persons offending therein (upon Conviction before any Justice of the Peace for the said County of Nottingham, on the Oath of One or more credible Witness or Witnesses, which Oath such Justice is hereby impowered to administer without Fee or Reward, or by his, her, or their Confession or Confessions) shall forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied in such Manner as the other Penalties are herein after directed to be applied.

Tenants of Lands up the Lane to have Keys thereto.

Penalty on lending the same, or leaving the Gate open.

And whereas the Owners, Proprietors or Tenants, of such Closes, Lands, or Pasture, as aforesaid, may actually lend, or willingly or wilfully permit divers Persons to take and use such Key or Keys as aforesaid, and may pretend that the same was or were not lent, or willingly or wilfully permitted to be taken, and the Penalties arising therefrom may thereby be avoided; be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time hereafter, go or pass through the said Gate by virtue of any such Key or Keys, and from thence unto or upon any Part of the said Road, or, after having passed through the said Gate, shall leave the same unlocked, whereby the Payment of the said Tolls, or of any Part thereof, shall be evaded;

Tenant liable, if any Person uses the same,

in either of the said Cases the Owner, Proprietor, or Tenant of, or the Person intitled to, such Key or Keys (on Proof thereof before any Justice of the Peace for the said County of Nottingham, on the Oath of One or more credible Witness or Witnesses, which Oath such Justice is hereby impowered to administer without Fee or Reward, or by his, her, or their own Confession or Confessions) shall be liable to, and shall be convicted of, the said Penalty of Five Pounds; and it shall be presumed and taken that he, she, or they, did actually lend the same for the Purpose aforesaid, unless such Owner, Proprietor, or Tenant, shall prove, by the Oath of One or more credible Witness or Witnesses, before such Justice, who is hereby impowered to administer the same without Fee or Reward, or by the Confession of the Person or Persons offending, that the same was got or obtained without the Privity, Knowledge or Consent, of such Owner, Proprietor, or Tenant.

unless he proves how such Person obtained the same.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Person who shall pass through any Turnpike to be erected by virtue of this Act, shall be charged with, or liable to pay, any Toll, nor shall any Toll be demanded or taken for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, Mule, or Beast, laden with, carrying, drawing, or empty, and going for, or returning, having been laden the same Day with Gravel, Stone, or other Materials for making or repairing the said Roads, or any Part thereof; nor shall any Person be chargeable with any Toll for any Cart, Wain, Waggon, or other Carriage, laden with, or empty and going for, or returning empty, having been on the same Day laden with, Hay, or Corn in the Straw only; or for any Ploughs, Harrows, or Implements of Husbandry; or for any Lime used in the Township or Parish only where the same is got and burnt, Mould, Dung, Compost, or Manure, employed in Agriculture or Husbandry, for manuring or improving of Lands; nor shall any Toll be demanded or taken from any Person or Persons residing in any Township in which any of the said Roads lie, who shall pass through any of the same Turnpikes to or from his, her, or their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship, which he, she, or they usually resort to on Sundays, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor shall any Toll be demanded or taken for any Post Horse carrying the Mail or Packquet; or for any Cattle going to or from Water

or

or Pasture, situate, lying, or being, in any Township wherein any of the said Roads lie; or for any Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or going for, or returning laden only with, Hedge-wood for the making, repairing, or amending, of Hedges or Fences in any Township in which the said Roads lie; or for any Shepherd or Shepherds, or other Person or Persons, going to, or returning from, folding, foddering, feeding, or telling, Cattle or Sheep in the Forest of Sherwood, or in any Closes or Pasture in any Township wherein any of the said Roads lie; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, 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 Counties of Derby or Nottingham, or a Burgess or Burgesses for the Boroughs of Derby or Nottingham, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit the Sum of Forty 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. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages, in any one Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) than Two Tolls for passing or repassing through all or any of the Turnpikes to be erected across and on the Sides of the said Road between the said Town of Alfreton, and the said Town of Mansfield; nor more than One Toll from the said Town of Mansfield, to the said Town of Sutton in Ashfield; nor more than One Toll from the said Town of Alfreton, to the said Town of Sutton in Ashfield; nor more than One Toll from the said Town of Mansfield to Blackwell, Fullwood, Normanton, Pinxton, Carter Lane, and Swanwick Collieries; nor more than One Toll from the said Collieries to the said Town of Sutton in Ashfield and Python Hill, or either of them; But that all Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass and repass Toll-free with the same Horses, Cattle, Beasts, and Carriages, How often Tolls to be paid a Day, &c.

Carriages, through the Turnpike at which any such Toll was paid, and also through all or any of the Turnpikes across, and on the Sides of such Part of the Roads respectively as aforesaid, whereon such Toll or Tolls shall have been respectively paid, upon producing a Note or Ticket denoting the Payment of such Toll or Tolls; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Coals or Lead laid down to avoid Payment of Toll, not exempted.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That this Exemption shall not extend or be construed to extend to any Horse, Mare, Gelding, Mule, Ass, Waggon, Wain, or other Carriage, laden with Coals, Lead, Lime, or any other Loading, except Dung and Manure, that shall have been laid down or unloaded near any Toll-bar or otherwise, with a Design, and in order to avoid the Payment of the Toll; but that such Cattle, Waggon, Wain, or other Carriage, so laden as aforesaid, shall pay as often as they shall pass and repass; any thing herein contained to the contrary notwithstanding.

*Blackwell, &c.* Coals only to pay 3 Fourths of the Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no more than Three Fourths of the Tolls herein before-mentioned shall be demanded or taken at any Toll-house to be erected by virtue of this Act, for any Waggon, Wain, Cart, or other Carriage, unladen or laden only with necessary Fodder or Provisions for the Horses, Cattle, or other Beasts drawing the same, and going to Blackwell or Hucknall Colliery, or any Colliery or Collieries which during the Continuance of this Act may be opened and be in working in or upon the Common of Folewood or Fullwood, in the said County of Nottingham, or returning from thence, laden only with Coals or Coaks, and travelling towards the Towns of Mansfield and Sutton in Ashfield, or either of them; any thing herein contained to the contrary notwithstanding.

Half Tolls to be paid from *Normanton*, &c. to *Alfreton*.

Provided always, and be it enacted by the Authority aforesaid, That no more than One Half of the Tolls herein before-mentioned shall be demanded or taken at any Toll-house to be erected by virtue of this Act between the said Town of Alfreton and the West End of Normanton Common, for any Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or other Beast, passing or repassing through the same, and going only from Brookhill or Carter Lane, South Normanton, or Pinxton, in the said County of Derby, or from Kirkby, in the said County of Nottingham, by Pinxton aforesaid, to the said

Town

Town of Alfreton; any thing herein contained to the contrary notwithstanding.

Penalty on Persons permitting or going thro' private Passage, &c.

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 up and through the said Lane called Willow Bridge, or Willow Brig Lane, or up and through any Ground, Land, or Hereditament, adjoining to, or lying near, any Turnpike which shall be erected by virtue of this Act (the same not being a Publick Highway) 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 whatsoever, to pass through or over the same, whereby the Payment of the Tolls directed to be paid and taken by virtue of this Act, or of any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, Cattle, Beast, or Carriage, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage; 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 avoid the Payment of the said Tolls, or of any Part thereof, or, with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be paid and applied in such Manner, as the Penalties are by this Act directed to be paid and applied.

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid Payment of the Tolls.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Tolls to be taken by virtue of this Act, and the Monies to be borrowed on the Credit thereof, shall be, in the first Place, applied in paying all Expences incurred in, and in relation to, the soliciting and obtaining this Act, and in defraying the Expences of erecting and providing Turnpikes, Toll-houses, and Weighing Engines; and that after such Expences are discharged as aforesaid, the Residue of such Tolls and Monies shall, from time to time, be applied in altering, widening, making, and repairing, the said Roads, and

in

in defraying the necessary Expences in the Execution of the several Purposes of this Act.

Trustees may erect Weighing Engines.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they think proper, erect, or cause to be erected, at or near any of the Gates or Turnpikes to be erected by virtue of this Act, or at such other convenient Place or Places at, upon, or near, the said Roads, as the said Trustees, or any Five or more of them, shall think fit, any Crane, Machine, or Engine, for weighing Carts, Waggons, or other Carriages, which shall pass or repass on any Parts of the said Roads, and they, or any Five or more of them, shall and may, by Writing under their Hands, order and direct all and every or any of such Carts, Waggons, or other Carriages, which shall pass or repass on the said Roads, or any Part thereof, together with the Loading thereof, to be weighed: And if any Person or Persons shall unload, or cause to be unloaded, any Goods or Merchandizes, before he, she, or they, shall come to any Gate, Turnpike, Machine, or Engine, erected by virtue of this Act, or with Force or otherwise attempt to prevent, hinder, or obstruct, the Weighing any such Cart, Waggon, or Carriage, with Intent to avoid the Payment of any Sum or Sums of Money directed to be paid, received, or taken, by any Law or Statute of this Realm, which now is or hereafter shall be made and be in Force for the Preservation of the Highways or publick Roads of this Kingdom, for every Cart, Waggon, or other Carriage, which shall weigh more than by Law they ought to weigh; every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or their Treasurer or Treasurers for the time being, the Sum of Forty Shillings, which shall be recovered and applied in such Manner as the Penalties, Fines, or Forfeitures, by this Act inflicted or ordered to be paid for any Breach thereof, are herein after generally directed to be recovered and applied.

Penalty on obstructing the weighing of Carriages.

Trustees may reduce the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, assembled at a Meeting or Meetings to be held for that Purpose, 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 said Tolls, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said

said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Nine or more of them, may, from time to time, with the like Consent as aforesaid, direct the Tolls hereby granted, or so lessened or reduced, or advanced, as aforesaid, to be collected in such Parts or Proportions, at the said Turnpikes, as they shall think proper; and such lessened or reduced, or advanced Tolls, and also such Parts or 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 Meeting shall be held for the Purposes of lessening, reducing, or advancing, all or any of the Tolls so lessened and reduced after the First Meeting, unless Twenty one Days previous Notice at least shall be given thereof, to be affixed upon all the Turnpikes which shall be erected by virtue of this Act, or on the Market Crosses of the Towns of Alfreton and Mansfield aforesaid.

Trustees may compound with Travellers.

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, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree with any Inhabitant or Inhabitants of any Township or Townships in which any Part of the said Road lies, and with any Person or Persons usually travelling the said Road, or any Part thereof (Persons carrying Goods or travelling for Hire, only excepted) for any Sum or Sums of Money to be paid in lieu of the Tolls granted by this Act, so as no such Composition shall be made at any One Time, for any longer Term than Three Years; and all such Composition-monies shall be paid quarterly 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 Composition-monies shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may compound for Tolls.

Provided always, 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, and they are hereby impowered from time to time as they shall see convenient, with the Consent and Approbation of such Person and Persons who shall be intitled to One Fourth of the Money which shall have been ad-

manned on the Credit of the said Tolls, to compound and agree with the Surveyor or Surveyors of the Highways of the Town of Sutton in Ashfield aforesaid, for any Sum or Sums of Money to be paid for all and every the Inhabitants of the said Town only, in lieu and for such Part of the said Tolls as may or might be collected or taken between the said Town of Sutton in Ashfield and Mansfield and Python Hill aforesaid, or either of them, so as no such Composition be made at any One Time for any longer Term than Three Years; and for that Purpose it shall and may be lawful to and for the Surveyor or Surveyors of the said Town of Sutton in Ashfield (by and with the Consent of the major Part of the Inhabitants of the said Town, at any Vestry or other publick Meeting assembled, and whereof Seven Days publick Notice at least shall be given in the Parish Church of Sutton in Ashfield aforesaid) to compound and agree with the said Trustees, or any Nine or more of them, as aforesaid, for any Sum or Sums of Money to be paid for all and every the Inhabitants of the said Town only, in lieu and for such Part of the said Tolls as may or might be collected or taken between the said Town in Ashfield and Mansfield and Python-hill aforesaid, or either of them; all which Composition-money shall be paid Quarterly in Advance; and in Default thereof the Composition or Agreement with the Surveyor or Surveyors making such Default shall from thenceforth be void: And all such Composition-money shall be considered as a Toll, and be applied in such Manner as the Tolls are hereby directed to be applied; and such Surveyor or Surveyors compounding and agreeing for the said Town of Sutton in Ashfield, shall be respectively reimbursed the Monies so by him or them paid as aforesaid, 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 lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty one Days Notice at least, in Writing, shall be fixed on all the Turnpikes which shall be then erected by virtue of this Act, or on the Market Crosses of the Towns of Alfreton and Mansfield aforesaid, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls, or any Part thereof, unto any Person or Persons, from Year to Year, or for any

Term of Years not exceeding Three Years, for the best yearly Rent or Sum 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 Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the said Tolls are directed to be applied.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all Gates, Turnpikes, Toll-houses, and Weighing Engines, which shall be erected or provided 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 making or repairing the said Roads, shall be, and they 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, or cause to be brought, any Action or Actions, or to prefer any Indictment or Indictments in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer, against any Person or Persons who shall injure or disturb them in the Possession or Property thereof.

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

And be it enacted by the Authority aforesaid, That no Gate, Turnpike, Toll-house, or Weighing Engine, which shall be erected or set up by virtue of this Act, shall, at any Time after the same shall be so erected or set up, be taken down or removed to any other Place, except by Order of the Trustees, or any Nine or more of them, at a publick Meeting for that Purpose assembled, whereof Twenty-one Days Notice shall be given in Writing, and affixed on all the Turnpikes which shall be then erected by virtue of this Act, or on the Market Crosses of the Towns of Alfreton and Mansfield aforesaid.

No Order made to be repealed, unless 5 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Trustee or Trustees appointed in or by virtue of this Act, shall do any Act, in the Execution of the Powers hereby given, or join in the making any Order or Orders relative thereto (except it be at some Meeting or Meetings to be held in pursuance of this Act, or by virtue of some Power or Powers hereby delegated and committed to him or them) unless Five Trustees at least be present and concur therein; and all Acts or Orders otherwise to be done or made, shall be absolutely void and of none Effect; any thing herein contained to the contrary thereof notwithstanding.

And

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, at their First or any subsequent Meeting, to borrow and take up at Interest upon the Credit of the said Tolls such Sum and Sums of Money as they, or any Nine or more of them, shall think fit; and shall and may, and they, or any Nine or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Costs and Charges of such Mortgages or Assignments to be borne or paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, with lawful Interest for the same: And Copies of all such Mortgages or 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 such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes, or on the Market Crosses of the Towns of Alfreton and Mansfield aforesaid, at least Twenty one Days before the Meeting for the Purpose of borrowing such Money; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Words of 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 assign over or transfer his, her, or their Right of the Principal and Interest thereby secured, or any Part thereof, to any other Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Sixty Days after the Date thereof, who shall cause an Entry or Memorial of such Assignments or Transfers, containing the Date, Parties Names, 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 the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may,

21 Days Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

may, at all reasonable Times, be perused and inspected by any Person or Persons whomsoever, without any Fee or Reward; and after such Entry made, such Assignment or Transfer 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 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 the Monies, or any Part thereof, due thereon.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whomsoever advancing any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect to 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 on such Tolls in equal Degree one with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time, to 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 such other Officer or Officers as they shall think necessary to employ in the Execution of this Act; and shall take such Securities for the due Execution of their respective Offices, as they the said Trustees, or any Five or more of them, shall think fit; and, from time to time, to remove such Clerk or Clerks, Treasurer or Treasurers, Collectors, Surveyors, and other Officers, or any of them, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, to allow such Clerks, Treasurers, Collectors, Surveyors, and other Officers, and such other Person and Persons as shall be assisting in or about repairing, widening, or altering, the said Roads, or executing this Act, such Salaries or Allowances, as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons, and also all Persons who shall be any ways employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall appoint, deliver to such Trustees, or such Person or Persons as they shall

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath,

nominate, true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and to whom and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands 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; and that all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any One of them, is hereby impowered to administer) verify their said Accounts: And if any such Person or Persons shall refuse or neglect to give such Accounts as aforesaid, or shall knowingly deliver a false Account, 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 over in Manner aforesaid all the Monies which shall remain in his or their Hands, or if any such Officer, Person or Persons, shall refuse or neglect to deliver up to the Trustees, or any Five or more of them, within Ten Days after thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act; in any of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the County or Place wherein such Officer, Person or Persons, shall reside, and such Justice or Justices, upon Complaint thereof to him or them made, is and are hereby required to make Enquiry concerning such Default in a summary Way, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward); and if any such Officer, Person or Persons, shall be convicted of any of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Gaol or Prison for such County or Place, there to remain without Bail or Mainprize, until he or they shall give and make a true and perfect Account and Payment as aforesaid, or until he or they shall have compounded with the said Trustees, or any Five or more of them, and have paid such Composition in such Manner as they shall appoint; (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he or they shall have delivered up such Books, Papers,

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

and

or 4

and Writings, as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurer or Treaſurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Truſtees may appoint Collectors, tho' not at a public Meeting.

Provided always, and be it enacted, That as often as any Collector of the ſaid Tolls ſhall die, or be incapable of performing his Duty, it ſhall be lawful for any Two or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls; and the Perſon ſo appointed ſhall have the ſame Authority for the 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.

No Victualler, &c. to hold any Place of Profit.

Provided alſo, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful to and for any Surveyor or Surveyors to be appointed as aforeſaid, and ſuch other Perſon or Perſons as he or they ſhall for that Purpoſe appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, Cinders, Chalk, or other Materials, for repairing the ſaid Roads, out of any River or Brook, or out of any Waſte or Common Grounds, in any Pariſh, Town, Village, Hamlet, or Place, in or near which any Part of the ſaid Roads doth lie, or in any neighbouring Pariſh, Village, Hamlet, or Place (except Stones from Quarries open and in working, and except Gravel, Sand, Stones, or other Materials, within Twenty five Yards Diſtance from the Foot of any Mill Dam or Weir, Lock or Locks) 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, in, upon, from, or out of, and over, the private or ſeveral Lands of any Perſon or Perſons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, Wood, Coppice, or any incloſed Ground planted and ſet apart as a Nurſery) paying or tendering Payment of ſuch Rates for the Damage done

without paying for the ſame;

levelling the Pits.

If ſufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

to such private Lands in which any such Materials shall be taken, or over which any Materials gotten in any Waste Ground, Common, River, Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case any Difference shall arise concerning the same, the Justices of the Peace at any General Quarter Session to be held within the Space of Seven Months after such Difference shall arise, for the County wherein such Damage was sustained, shall and may adjudge and finally determine the same, from which Determination there shall be no Appeal.

Justices to determine Differences.

Penalty on taking away Materials which have been dug for repairing the Roads.

And be it further enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any other Person whomsoever, shall take away any Materials which shall have been digged or gathered in any Grounds, River, Brook, Waste or Common Grounds, for the Purpose of repairing the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own proper Use only, and not for Sale) every Person so offending shall forfeit for every Offence the Sum of Five Pounds.

Surveyors to remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or 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; and to turn any Watercourses, Sinks, or Drains, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches, adjoining thereto, and to make the same as deep and large as 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 or Occupiers of the Premisses 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 Pur-

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five 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 herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall offend again in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

the Charges thereof to be reimbursed to the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall 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 lay, or cause to be laid, Causeways, and also to make any new Ditches and Drains in and upon the said Roads, and through any Grounds lying contiguous thereto, so as the same be not made through any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, Wood, Coppice, or any inclosed Ground planted and set apart as a Nursery; and to erect or build, and keep in Repair, Bridges or Arches upon the said Roads, or across any such Ditch or Drain where necessary; and also to widen any of the 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 render the same 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 and widened Parts of the said Roads; and also to make a publick Road over and through such Parts of the said Roads as have hitherto, for the most Part, been used either as Drift or Bridle Roads, by opening and clearing the Grounds over which the said Roads respectively lie, and laying also into the same the Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, Wood, Coppice, or any inclosed Ground, planted and set apart as a Nursery) so as such Parts of the said Roads do not respectively exceed in Width Fifteen Yards; and also to make, or cause to be made, Roads through the Grounds adjoining or lying near to any hollow, narrow, or ruinous Part or Parts of the said Roads, to be made use of by all Passengers with all Manner of Cattle, Coaches, Carts, and Carriages, or otherwise, as a publick Highway, whilst the old, hollow, narrow, or ruinous Road is repairing

Surveyors may make Causeways, &c.

and also widen the narrow Parts of the Roads;

and make a temporary Road;

pairing 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, 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 Nine or more of them; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace at any General Quarter Session (to be holden within the Space of Seven 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 the Damages aforesaid; from which Determination there shall be no Appeal; but it is hereby declared, that no Satisfaction whatsoever shall be demandable by any Person or Persons whomsoever, nor shall any be made or paid, for making, doing, and performing any of the Works aforesaid, upon or through any Common, Moor, or Waste Ground, whatsoever.

making Satisfaction to the Owners of the Ground.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and they are hereby fully authorized and impowered, from time to time, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, over, upon, or through, any Moor, Waste, or Common Ground, without making any Satisfaction for the same, and also over, upon, or through, the private or several Lands or Hereditaments of any Person or Persons whomsoever, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and, for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to 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 may respectively sustain, by the divesting, turning, or altering, the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments: And therefore it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, and all other Trustees whomsoever, Committees, Executors or Administrators, and all other Persons whomsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or

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

Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whomsoever; and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Agreements, Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, and all other Trustees whomsoever, Committees, Executors, Administrators, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall respectively do by virtue or in pursuance of this Act.

Trustees may contract for Damages, Owners neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Feoffee in Trust, or any other Trustee whomsoever, Committee, Executor or Administrator, or any other Person whomsoever, interested in any Lands or Hereditaments, over, upon, or through which the said Trustees, or any Five or more of them, shall think proper to divert, turn, or alter any Part or Parts of the said Roads, shall, for the Space of forty Days, neglect or refuse to contract or treat with, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from contracting or treating with the said Trustees, or any Five or more of them; then, and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, One Month before any General or Quarter Session of the Peace, to be holden for the County in which such Lands or Hereditaments lie, to cause to be given to such Owner or Owners, or to the Principal Officer or Officers of such Bodies Politick or Corporate, or to be left at the House of the Tenant or Tenants in Possession of such Lands or Hereditaments, Notice in Writing, therein denoting or describing the Lands or Hereditaments over, upon, or through which any Part of the said Roads shall be intended to be diverted, turned, or altered; and purporting that the Da-

Bodies Politick may treat for the Sale of such Lands

due

lue of such Lands or Hereditaments, or the Damage which may be thereby done to the same, will be assessed, settled, or adjudged, by a Jury at the said Sessions;

Jury to settle the Damage and Recompence.

and the Justices there, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury, which shall attend at such Session (or some other Jury of Twelve indifferent Men, to be then and there impanelled and returned by the Sheriff of the said County without Fee or Reward) and cause them to be sworn well and truly to assess the Value of the Lands or Hereditaments comprised in the said Notice, and the Damages or Recompence to be given for the same to the respective Owner or Owners thereof: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered, and they may, from time to time, as Occasion shall require, order a View, and summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Lands or Hereditaments in Question, and the Nature, Quality, Quantity, and Value thereof, and may use all lawful Ways and Means, as well for their own as the said Jury's Information therein; to which said Jury the said Trustees, and all Parties interested, shall have their usual lawful Challenges; and the said Jury, being so charged and sworn as aforesaid (which Oath the said Justices are hereby also impowered and required to administer) shall by their Verdict assess the Damages or Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict or Inquisition of the said Jury, and the Judgement of the said Justices upon the same, shall be final, binding, and conclusive, to all Parties: And that from and after such Verdict or Inquisition, and Judgement, and after Payment or Tender of the Recompence thereby ascertained to the respective Owner or Owners of such Lands or Hereditaments, or their Guardians, Trustees, or Agents; or if any such Person or Persons cannot be found, or in case of Refusal to accept of such Recompence, then, upon leaving the same in the Hand or Hands of the Treasurer or Treasurers, Clerk or Clerks to the Trustees for the Use of such Person or Persons, and Notice thereof in Writing by the said Treasurer or Treasurers, Clerk or Clerks, being given to, or left at the Dwelling-house or last Place of Abode of the Tenant or Tenants in Possession of such Lands or Hereditaments, the said Trustees, or any Five or more of them, shall, and they are hereby impowered, to cause the said Road to be diverted, turned, or altered,

Witnesses may be summoned and examined upon Oath.

Jurors may be challenged.

Verdict of the Jury to be final.

over or through such Lands or Hereditaments, and to cause the same to be ditched or fenced in such Manner as the said Trustees, or any Five or more of them, shall think fit; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands or Hereditaments; and all such Lands or Hereditaments over or through which any Part or Parts of the said Road shall be so diverted, turned, or altered, or which shall be made Part or Parts of the said Road by virtue of this Act, shall be deemed a publick highway, and be from thenceforth for ever Part of the said Road, and shall be amended, repaired, and kept in Repair in such Manner as the said Roads are by this or any other Law to be amended, repaired, and kept in Repair.

Jury to settle the Damages and Recompence.

And be it further 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 upon the Credit thereof.

Recompence to be paid out of the Tolls.

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

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That whenever the Path or Paths of any Part of the Road shall be diverted, turned or altered as aforesaid, that all Land or Ground in or constituting any former old Road, or any Part thereof (in case such former Road shall not be upon any Common, Wood, or 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 Five or more of them, for the best Price that can be got for the same, and the Money arising thereby shall be applied in the repairing of the said Road; and the Sale and Conveyance of such Ground being executed by any Five 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 the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Jurors may be challenged.

Verdict of Jury to be final.

Provided always, That if any new Road shall be made as aforesaid, instead of any former Road over any Wood, Common, or Waste Ground, the Inhabitants of the Parish or Place, where such new Road shall be made, shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

If the old Road be turned, Inhabitants not liable to repair the same.

And whereas several Parts of the said Roads lie over Commons, Woods, Waste Grounds, and the Forest of Sherwood aforesaid, which in Process of Time may be inclosed; be it therefore further enacted by the Authority

Roads over Commons, &c. to be 40 Feet wide.

risp aforesaid, That when any of the said Commons, Woods, Waste Ground and Forest, are or shall be inclosed, there shall be left at least Forty Feet between the Fences which inclose any Part of the said Roads, which Space shall be deemed to be a Part of the said Roads.

Persons liable to the Statute-work to continue so.

And it is hereby also enacted and declared, That all Persons who by Law are chargeable towards repairing the said Roads, or any Part thereof, shall still remain liable and chargeable to do their respective Statute-work in the Parishes where the said Roads do lie, in such Manner as before the passing of this Act they ought to have done the same, except as is in and by this Act otherwise directed.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways of the respective Townships, Parishes, and Places, in which the said Roads do lie, 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, and Places, are obliged by Law to do their Statute-work for that Year with Teams and Draughts, or otherwise, and also the Number of Days Work which each Person ought to do on the Roads in such Townships, Parishes, and Places respectively, Part of which Statute-work, not exceeding Three Days for each Person, shall be done at such Times, and in such Manner, and on such Parts of the Roads hereby intended to be repaired as lie within the respective Townships, Parishes, and Places as aforesaid, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from time to time direct and appoint; and shall also set forth and specify in every such List what each Person is respectively chargeable with, for and towards the same: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships or Places respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons, so chargeable as aforesaid, he would have to do such their respective Statute-work on any Part or Parts of the said Roads as aforesaid, shall give Notice thereof to the Person or Persons so chargeable as aforesaid; and if

any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, or Place, as aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; And every Person keeping a Team or Teams, Draught or Draughts, Carts or Carts, as aforesaid, who shall, after such Notice, neglect or refuse to send his or her respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught as he or she respectively employ, with One Person to attend the same, to perform such their respective Days Work on the said Roads, in such Manner as the said Turnpike Surveyor shall direct, shall respectively forfeit the Sum of Ten Shillings for every Day wherein any such Team, Draught or Cart, shall make such Default as aforesaid; and every Labourer or other Person so chargeable, who shall neglect or refuse, after such Notice, to perform the said appointed Days Work on the said Roads, shall respectively forfeit the Sum of One Shilling and Six Pence for every Day such Labourer or other Person shall make Default; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where such Statute-work is required to be done, such Surveyor or Surveyors may, and is and are hereby authorized and required to discharge such Person; and it shall be deemed and taken as if such Person or such Team, Draught, or Cart, 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 herein before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors neglecting to del[iver] Lists.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, to compound or agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, or 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 him, her, or their Statute-work thereon; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and

Trustees may compound for Statute-work.

with

with the Consent of the major Part of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry, or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the Trustees, or any Nine or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition Monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Roads; 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.

Surveyors paying the Composition Monies, how to be reimbursed.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further 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 such Road to the Prejudice thereof, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered to administer without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings, for every such Stone or Post so pulled down, broken, or damaged, or Inscription so obliterated as aforesaid, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties hereby inflicted are hereinafter directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person

Penalty on defacing Mile-stones.

or

or Persons to the House of Correction for such County or Place, there to remain without Bail or Mainprize for any Space not exceeding Two Months, and not less than One Month, unless such Forfeiture or Forfeitures, and all reasonable Charges, shall be sooner paid; and every such Offender, in any of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted, or authorized to be imposed, the Manner of recovery and levying whereof is not otherwise particularly directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles 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 impowered to grant for those Purposes) and the Overplus, if any such there be, after such Penalties or Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Roads: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant or Warrants under the Hand and Seal of such Justice, to commit such Offender or Offenders to the House of Correction for the County or Place wherein such Offence shall be committed as aforesaid, or to the House of Correction for the County or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid; and for the Second and every

Overplus Money to be returned to the Owner.

For want of Distress, Offender to be committed.

every other Offence of the same Nature or Kind, for any Time not exceeding Six Months, nor less than Three Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and discharged.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it enacted by the Authority aforesaid, That if 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 hereby already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of such Appeal or Complaint shall arise, so as the same be made within Six Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, to the Clerk or Treasurer to the said Trustees, Eight Days entire Notice at least in Writing, of his or her Intention to bring or move such Appeal, and of the Matter thereof, and having Four Days at least previous to the Delivery of such Notice, entered into a Recognizance, before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order or Determination of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session, who upon due Proof there of such Notice being given, and of such Recognizance being entered into as aforesaid, are hereby authorized and required to take Cognizance thereof, and to hear and finally determine the Causes and Matters of such Appeal or Complaint 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 or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs to the Party or Parties appealing or appealed against, as to them shall seem reasonable, and by their Warrants raise and levy such Costs, and make such Orders and Judgements in regard to the Premisses, as they shall think right and reasonable; but no Conviction shall be quashed for want of Form only; and the Determination of the Justices at such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

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

nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Conviction or other Proceeding in or relating to the Execution of this Act, shall be quashed or vacated for want of Form only, or be removed or removeable 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 thereof notwithstanding.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and they 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 and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper. Trustees may contract for repairing the Roads, and erecting Mile-stones, &c. not

And be it further enacted by the Authority aforesaid, That all Contracts in Writing entered into pursuant to any Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding upon all Parties who shall sign the same, his and their Executors and Administrators: And that Actions and Suits may be had, brought, and maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; any Law or Usage to the contrary notwithstanding. All Contracts, &c. entered into by the Trustees, deemed valid.

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 Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings 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, and no more, in an Action of Trespass, or on the Case; and if the Plaintiff shall recover in any Action, he or she shall be paid his or her full Costs of Suit. Distress not unlawful for want of Form; nor the Parties distraining deemed Trespassers *ab initio*.

And be it further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees, or any Five or more of them, 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 Proceedings to be entered in a Book.

or

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.

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.

Limitation of Actions.

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 of Amends 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 ſaid County of Derby or Nottingham, and not elſewhere; and the Defendant and Defendants in every ſuch Action or Suit ſhall and may, at his or their Election, plead ſpecially, or the General Iſſue, of 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 Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall have been brought before Ten Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction or Amends had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be laid or brought in any other County than as before directed, 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 Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch other Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Public Act.

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

FINIS.