Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Road from *Bramcote Odd Houſe*, in the County of *Nottingham*, to the Croſs Poſt upon *Smalley Common*, in the County of *Derby*; and from *Ilkeſton* to the Towns of *Heanor* and *Shipley*, in the ſaid County of *Derby*; and from *Trowell*, in the County of *Nottingham*, to the Town of *Nottingham*.

WHEREAS the Road leading from Bramcote Odd Houſe, through Trowell, in the County of Nottingham, and through Ilkeſton, to the Croſs Poſt upon Smalley Common, in the County of Derby; and from Ilkeſton aforeſaid to the Town of Heanor; and alſo for Ilkeſton to the Town of Shipley, in the ſaid County of Derby; and alſo the Road leading from Trowell aforeſaid, through Woolaton, to the Town of Nottingham; are in a ruinous Condition, and, in ſeveral Parts, very narrow and incommodious, and dangerous to Paſſengers, and the ſaid Roads cannot be effectually repaired, amended, and kept Preamble.

in Repair, by the ordinary Course provided by Law; may it therefore please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Sir John Cust Baronet, Speaker of the Honourable House of Commons; the Most Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Richard Lord Viscount Howe, in the Kingdom of Ireland; the Right Honourable John Lord Pollington, in the Kingdom of Ireland; the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable Booth Grey, the Honourable Thomas Willoughby, the Honourable William Howe, the Reverend George Allen, Lewis Allsopp, Sir Robert Burdett Baronet, the Reverend Scroop Beardmore D. D. the Reverend George Staunton Brough, the Reverend Thomas Beaumont, William Bilbie, John Buxton, Henry Buckstone, Thomas Boote, Richard Butler, Francis Barber, Robert Barber, John Blackwell, Philip Barnes, William Bilbie junior, William Barratt, William Bettison, Francis Berisford, Joseph Baggaley, George Bunyan, Sir Henry Cavendish, Ashton Curzon, William Chaworth, Charles Chaworth, the Reverend Edward Chappell, the Reverend Richard Cust, the Reverend William Clarke, John Carruthers, Thomas Charlton, John Collins, William Cooper, William Cooper junior, John Chappell, the Reverend Thomas Clarke, William Chappell, Samuel Coleclough, Christopher Coleclough, William Clayton, James Dymock, Nathaniel Denison, Richard Dale, the Reverend Samuel Eaton D. D. the Reverend Tristram Exley, William Edge, William Elliott, Robert Evans, John Egginton, Ralph Edge, William Fitzherbert, John Fletcher, Goodere Fletcher, William Foulds, Alexander Foxcroft, John Foxcroft, James Foxcroft, Benjamin Foxcroft, Robert Foulds, William Flamstead, John Fellows, John Farnworth, Daniel Freeth junior, George De Ligne Gregory, William Gregory, John Greasley, the Reverend William Gibson, John Green Cutler, Sir Henry Hunlocke, Sir Henry Harpur, Windsor Hunloke, Nicholas Hunloke, Robert Hunloke,

Trustees Names.

James Hunloke, John Hewett, John Howe, Francis Hurt, Mark Huish, William Hunter junior, John Hieron, Robert Horsley, James Huthwaite, James Huthwaite Hosier, William Huthwaite, John Huthwaite, Roger Hunt, Vickers Hunter, Francis Hall, William Howitt, Samuel Harrison, Thomas Hague, John Hancock, William Handley, Matthew Immyns, John Key, John Knowls, Sir Matthew Lamb Baronet, Philip Launder, Cornelius Launder, Benjamin Lomas, Richard Liptrot, Thomas Lee, William Lee, Lemuel Lowe, William Lowe, Joseph Lowe, John Lowe, Thomas Langford, Henry Leaper, Bossall Leatham, Sir Charles Mollyneux Baronet, Mundy Musters, Edward Mundy, Francis Mundy, Frederick Montagu, Charles Montagu, Russell Manners, John Manners, William Manners, Thomas Mettam, Samuel Mellor, Charles Morley, Thomas Morris, John Morris, Maudsley, Benjamin Mather, the Mayor and Aldermen of the Town of Nottingham for the time being, John Michael Newton, John Newton, Samuel Need, Nathaniel Need, Samuel Newham, Gilbert Nevill, Langford Nevill, Thomas Oldknow, John Oldknow, Sir Thomas Parkyns Baronet, Edward Sacheveral Poole, John Plumtree, the Reverend Charles Plumtree, Septimus Plumtree, Francis Plumtree, George Parkyns, Pollidore Plumtree, Girton Peak, John Poole, William Partridge, the Reverend Matthew Pilkington, John Padley junior, James Potter, William Radford, John Radford, William Rawson, William Rawson junior, Francis Radford, John Radford of Sanley, Francis Radford, Anthony Radford, John Radford of Hill-Top, Samuel Rickards, John Rickards, Sir George Smith, John Sherwin, Thomas Smith, Henry Sherbrooke, William Coap Sherbrooke, the Reverend Robie Sherwin, William Southwell, Robie Swann, John Swann, Rowland Swann, Robert Seagrave, Nicholas Strey, Joseph Stubbins, Michael Skeavington, John Smellie, James Shuttleworth, Thomas Sands, Richard Strey, John Simes, John Smith, Thomas Smith, Thomas Thoroton, Jonathan Truman, Anothony Tissington, Beaumont Topot, William Taylor, Sir Edward Willmott Baronet, Sir Robert Willmott Knight, Sir John Eardly Willmott Knight, the Reverend Richard Willmott, Richard Mead Willmott, Edward Willoughby, Edward Willmott, the Reverend George Wakefield, the Reverend George Wayte, Icabod Wright, John Wright, Thomas Wright, Isaac Wylde, William Walters, Luke Williamson, Matthews Whitlock, Robert Willoughby, Joseph Wood, Joseph Wood junior; shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed

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

Trustees for putting this Act in Execution; and they, or any Nine or more of them, shall and may cause to be erected such Gates or Turnpikes in, or cross any Part or Parts of, the said Road, and also such Toll-houses in or near the same, as the said Trustees, or any Nine or more of them, shall think proper; and the following Tolls shall be paid at every such Turnpike to such Person or Persons as the said Trustees, or any Nine or more of them, shall, by Writing under their Hands and Seals, from time to time, appoint to receive the same, before any Horse or other Cattle, Coach, Waggon, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse or other Beast, drawing any Carriage, the Sum of Three Pence.

For every Horse, or other Beast, not drawing, the Sum of One Penny.

For every Pair of Mill-stones, or Block of Stone or Timber, drawn upon the Edge by Six or more Horses or Beasts, the Sum of Two Shillings and Six Pence.

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

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

Tolls vested in Trustees.

And the Monies to be raised are hereby vested in the said Trustees; and the same, and every Part thereof, shall be applied, disposed of, or assigned to and for the amending, widening, and keeping in Repair the said Road, and to and for such Uses and Purposes, and in such Manner as herein after is mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, or any Part thereof, after Demand thereof made, shall neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days, the Person or Persons so distraining shall and may sell the Horses, Cattle, or Goods, so distrained, returning the Overplus (if any) upon Demand,

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

mand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Sides of the said Road, and at the End of or cross any Lane or Way leading into or out of the same, and to cause such Tolls to be collected and levied thereat as are appointed by this Act to be taken; so as the same do not extend to a double Charge in case of passing through any other of the Turnpikes.

and take Tolls thereat,

so as the same do not extend to a double Charge.

Proviso.

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected at or upon the cross Road at Hallam Windmill, nor upon any Part of the Road lying Westward of the said Mill, and leading to the cross Post upon Smalley Common.

The several Tolls to be taken at the Turnpikes herein mentioned.

Provided always, and be it further enacted by the Authority aforesaid, That at any Gate or Turnpike that may be erected or set between Bramcote Odd House, and a Place called Lucote Gate, or between the Town of Woolaton and the said Place called Lucote Gate, no more than One full Toll hereby enacted shall be taken for the passing through all or any of such Turnpikes as aforesaid; nor more than One half Toll shall be taken at any Gate or Turnpike that shall or may be erected or set between the said Place called Lucote Gate, and the cross Post upon Smalley Common; nor more than One Third Part of the Toll hereby granted shall be taken at any Gate or Turnpike that shall be erected or set up at or between the North Side of the main Road at the Town of Ilkeston, and the Towns of Heanor and Shipley; nor more than One Fourth Part of the said Toll shall be taken at any Gate or Turnpike that shall or may be erected or set between the Town of Woolaton and the Town of Nottingham; but that all and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horses, Cattle, Beasts, and Carriages through the Turnpikes at which any such Toll was paid, and also through all the Turnpikes across and on the Sides of such respective Parts of the Road as aforesaid, whereon such Toll was or were respectively paid, upon producing a Note or Notes, Ticket or Tickets, denoting the Payment of such Toll; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis upon Payment of the Toll.

Tolls to be paid but once a Day.

Provided

Proviſo. Provided always, and be it further enacted by the Authority aforeſaid, That no Toll hereby granted ſhall be taken at any of the Gates or Turnpikes to be erected by virtue of this Act, until after the Expiration of Five Calendar Months, to be computed from the Day of the paſſing of this Act.

Truſtees may erect Weighing Engines. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, if they think proper, erect, or cauſe to be erected, at any of the Gates or Turnpikes erected by virtue of this Act, or at ſuch other convenient Place or Places upon the ſaid Road, as the ſaid Truſtees, or any Nine or more of them, ſhall think fit, any Crane, Machine, or Engine, for weighing of Carts, Waggons, or other Carriages, which ſhall paſs or repaſs on any Part of the ſaid Road; and ſhall and may, by Writing under the Hands of the ſaid Truſtees, or any Nine or more of them, order and direct all and every or any of ſuch Carts, Waggons, or other Carriages, which ſhall paſs or repaſs on the ſaid Road, 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 of any ſuch Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken, by any Statute of this Realm, which now is or which hereafter ſhall be made and in Force for the Preſervation of the 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, to be recovered and applied in Manner herein after mentioned.

Penalty on obſtructing the weighing of Carriages.

Proviſo. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Perſons travelling with Carriages upon the ſaid Road, to draw the ſame with as many Horſes as they might otherwiſe have done had not this preſent Act been made, until Notice to the contrary thereof ſhall be given by the ſaid Truſtees, or any Nine or more of them, by Writing

Writing under their Hands and Seals, to be affixed upon all the Turnpikes upon the said Road.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, Toll-houses, and Weighing Engines, which shall be erected by virtue of this Act, and of the Materials for building the same, and for repairing the said Road, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions or prefer Indictments in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer, against any Person or Persons who shall disturb them in the Possession of the Property thereof.

No Turnpike to be removed but by Order of 11 Trustees.

Provided also, and be it further enacted by the Authority aforesaid, That no Gate, Turnpike, Toll-house, or Weighing Engine, to be erected or set up by virtue of this Act, shall at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the Trustees, or any Eleven or more of them, at a publick Meeting assembled, whereof Fourteen Days Notice shall be given in Writing, to be affixed on all the Turnpikes to be erected by virtue of this Act, and by Advertisement in the Nottingham and Derby News Papers.

How often Tolls to be collected.

Provided also, and be it further enacted by the Authority aforesaid, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages, in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, than One full Toll for the passing through all or any of the Turnpikes to be erected across and on the Sides of the said Road between Bramcote Odd House and a Place called Lucote Gate, nor more than One Half Toll for the passing through all or any of the Turnpikes to be erected across or on the Sides of the said Road between the said Place called Lucote Gate and the Cross-post upon Smalley Common.

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

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

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

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 whatsoever, owning or occupying any Land near to any Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beasts; or if any Person or Persons shall, with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beast, pass through any such Gate, Passage, or private Way, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Cattle or Beast from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near to any Part of the said Road any Coach, Waggon, or other Carriage, Horse, or other Cattle or Beast, or shall unload or secrete any Goods, with such Intent as aforesaid; or if any Person or Persons, shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Carriage, Horse, Cattle, or Beast, without

Payment of the Tolls every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and also a Surveyor or Surveyors of the said Roads, and also such other Officers as they shall think necessary to employ in the Execution of this Act; and from time to time may remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones, in case of Death or such Removal; and all and every of the Officers and Persons so from time to time appointed, and also all Persons who shall be in any wise employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall upon Oath (if thereunto required by the said Trustees, or any Five or more of them, which Oath any Two of such Trustees are hereby impowered to administer) on the First Monday after every Quarter Day, or at such other Time or Times as the said Trustees, or any Five or more of them, shall appoint, give in a true, exact, and perfect Account, in Writing under their respective Hands, to the said Trustees, or any Five or more of them, of all Monies which such Officers and Persons shall to such Time respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices; and shall from time to time pay over all such Monies as shall be in their Hands to such Person or Persons, and in such Manner, as the said Trustees, or any Five or more of them, shall direct and appoint: And the said Trustees, or any Five or more of them, to whom such Accounts shall be given, shall and may, out of the Tolls to arise by virtue of this Act, or out of the Monies to be borrowed on the Credit thereof, make such Allowances to the said Officers and Persons for their Care and Pains in or in relation to the Execution of the Act, as to the said Trustees, or any Nine or more of them, shall seem reasonable: And in case such Officer or Person shall not give in, or shall refuse to verify upon Oath, any such Account, or to make such Payment as aforesaid, that then any One or more Justice or Justices of the Peace for any County in which any Part of the said Road doth lie, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to inquire into the Default,

upon

upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without any Reward). And if any such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Nine or more of them, and have paid such Composition to such Person or Persons as the said Trustees, or any Five or more of them shall appoint; which Composition the said Trustees, or any Nine or more of them, at any Meeting assembled are hereby impowered to make.

and commit the Offender,

until Payment or Composition made.

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

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, Cinders, or other Materials, for repairing the said Road, out of any River or Brook, or out of any Waste Grounds in any Parish, Town, Village, or Hamlet, wherein or next to which any Part of the said Road doth lie, or in any adjoining Parish, Town, Village, Hamlet, or Place, without paying any thing for such Materials; but making such Satisfaction to the Owners or Occupiers of the private Grounds through which such Materials shall be conveyed, as the said Trustees, or any Five or more of them, shall think reasonable: And also it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing of the Trustees, or any Five or more of them, for that Purpose) to dig, gather, and take away such Materials in the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, or planted Walk or Walks, or Avenue to a House) paying such Rates for such Materials to the Owners or Occupiers of the Ground where such Materials shall be taken, and over which the same shall be brought, as the said Trustees, or

Surveyors may dig Gravel, &c.

without paying for the same;

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

making Satisfaction to the Owners.

any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning any such Damages as aforesaid, the Justices of the Peace, at any General Quarter Session to be held within the Space of 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.

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 Road, 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 such private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his proper Use only, and not for Sale) every Person so offending, shall forfeit, for every Offence, the Sum of Five Pounds.

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

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

Surveyors to remove Annoyances, &c.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimburſed to the Surveyor

imburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers ſo neglecting as aforeſaid, and be recovered, levied, and diſpoſed of, in ſuch Manner as the Penalties and Forfeitures incurred by this Act are herein after directed to be recovered, levied, and diſpoſed of; And if, after Removal of any the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Penalty of a Second Offence.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, or ſuch Perſons as he or they ſhall appoint by Order of the ſaid Truſtees, or any Five or more of them, to make, or cauſe to be made, Cauſeways, and alſo Ditches and Drains in and upon the ſaid Roads, and through any Grounds lying contiguous thereto; and to erect, build, and keep in Repair, Bridges or Arches upon the ſaid Road; and alſo to widen any of the narrower Parts of the ſaid Road, by opening, clearing, or laying into the ſaid Road any Grounds of any Perſon or Perſons lying contiguous to the ſame (not being the Grounds whereon any Houſe or Houſes ſtand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe) ſo as ſuch Parts of the ſaid Road do not exceed in Width Fifteen Yards; and alſo to make, or cauſe to be made, a Road through the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, to be made uſe of by all Paſſengers with Cattle, Coaches, Carriages, or otherwiſe, as a publick Highway, whilſt the old, narrow, or ruinous Road is repairing or widening, and till ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to travel and go along the ſaid Road intended to be repaired or widened; making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Ground reſpectively through which any ſuch Drains ſhall be cut, or on which any ſuch Arches or Bridges ſhall be made, or which ſhall be laid into the ſaid Road, or through which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them: And in caſe any Difference concerning the ſame ſhall ariſe between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall and may be lawful for the Juſtices of the Peace at any General Quarter Seſſion, to be held within the Space of 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

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Juſtices to determine Differences.

to such Owners and Occupiers for such Damages; from which Determination there shall be no Appeal.

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

And be it further enacted by the Authority aforesaid, That the Trustees, or any Nine or more of them, shall have full Power, from time to time, to turn or alter any Part of the said Road over any Waste Grounds, without making any Satisfaction for the same; and to contract with any Owners or Occupiers of, and Persons interested in, any private Grounds or Hereditaments for the Purchase thereof, or for the Damage they may sustain by the turning or altering of any Part of such Road; and out of the said Tolls, or of the Money borrowed on the Credit thereof, to pay for such Grounds or Hereditaments, or for such Damage as aforesaid: And it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Persons intitled in Mortmain, Executors, Administrators, Guardians, and other Trustees whatsoever, and all other Persons, to contract and agree with such Trustees for such Purchase or Recompence as aforesaid; and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and all such Grounds and Hereditaments, over which any Part of the said Road shall be turned, shall be deemed a publick Highway, and be from thenceforth Part of the said Road for ever after; and the Lands in the former Road (in case such former Road shall not be upon any Waste Ground, or shall not lead to any Town or Place with which such new Road doth not communicate) shall be vested in and sold by the Trustees, or any Nine or more of them, for the best Price that can be got for the same; and the Money arising thereby shall be applied in the repairing of the Road where such Alteration is made; and the Sale and Conveyance of such Lands, being executed by any Nine or more of the Trustees, and inrolled with the Clerk of the Peace for the County wherein such Lands shall respectively lie, shall be good and effectual in Law to all Intents and Purposes whatsoever.

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

Lands, &c. purchased to be laid into the Road.

Old Road may be sold.

And whereas many Parts of the said Road lie over Commons, Moors, and Waste Grounds, open Fields, and Pastures; be it further enacted, That when any of the Commons, Moors, Waste Grounds, open Fields, and Pastures, shall be inclosed, there shall be left at least Forty Feet betwixt the Fences which inclose any Part

Road to be 40 Feet wide.

Part of the said Road, which Space shall be deemed to be Part of the said Road.

Persons, &c. neglecting to treat,

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

the Damage and Recompence to be settled by a Jury.

Jurors may be challenged.

Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall be finally binding and conclusive to all Parties; and that from and after such Verdict 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 such Recompence, then upon leaving the same in the Hand or Hands of the Treasurer or Treasurers of the said Trustees, for the Use of such Person or Persons; and Notice thereof in Writing, by the said Treasurer or Treasurers, being given to or left at the Dwelling House or last Place of Abode of the Tenant or Tenants in Possession of such Lands or Hereditaments, and which Recompence the said Trustees, or any Five of them, are hereby impowered to pay out of the Monies which shall arise by virtue of this Act; and the said Trustees, or any Five or more of them, shall, and they are hereby impowered to cause the said Road to be diverted or turned through or over such Lands and Hereditaments, and to cause the same to be ditched or fenced in such Manner as the said Trustees, or any Five or more of them, shall think fit; and from thenceforth, and for ever afterwards, such Lands and Hereditaments shall be a Part of the said Road. 10

Verdict of the Jury to be binding and conclusive.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the Tolls arising upon the said Road (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Nine or more of them, to such Person or Persons, or his, her, or their Trustees as shall advance and lend such Money, to secure the Repayment thereof, by and out of the Monies arising by the said Tolls, with such Interest for the same as the said Trustees, or any Nine or more of them, shall think fit; and the Monies so to be borrowed shall be applied in such Manner as the Tolls so assigned or mortgaged are by this Act direct-

Tolls may be assigned for Money borrowed.

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ed to be applied, and to no other Purpose whatsoever; and that Copies of all such original Mortgages or Assignments shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Books shall and may be perused at all reasonable Times by any Person or Persons whomsoever without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of any of the said Tolls, unless Twenty Days Notice be given thereof by Writing affixed upon all the Turnpikes erected by virtue of this Act, or in the Nottingham and Derby News Papers; and all and every Person and Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments shall be made, or who shall be intitled to the Money thereby secured, shall and may from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Deed or Writing under his, her, or their Hand and Seal or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right to the Principal and Interest Monies thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be transferred in the said Book or Books so to be kept for the entering the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall direct, not exceeding the Sum of Two Shillings and Six Pence; and such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Assignments to be entered in a Book.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whomsoever advancing any Part or Parts of the gross Sum so to be borrowed upon the

All Creditors to be deemed equal in Degree.

said Tolls in respect to the Priority of advancing his, their or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on such Tolls, in equal Degree one with another.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the reasonable Expences of obtaining of this Act, shall be in the First Place paid and discharged out of the Tolls to be collected or raised by virtue of this Act, or the Monies to be borrowed on the Credit of such Tolls respectively.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage actually employed in carrying Gravel, Stones, or other Materials for repairing the said Road, by any Road in any of the Townships or Hamlets in which the same doth lie, or in any of the next adjoining Townships or Hamlets; or any Dung, Mould, Soil, Marl, Chalk, Lime, or Compost for manuring the Grounds in such Township or Hamlet as aforesaid, or laden with Grass, Hay, Fodder, Straw, or Corn in the Straw, to be laid up in the Houses, Barns, Outhouses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use and Consumption, in any Townships or Hamlets in which any of the said Turnpikes shall be erected; or for any Ploughs, Harrows, or other Implements of Husbandry, to be used for tilling or stocking of any Lands in any of the Townships or Hamlets in which such Turnpikes shall be erected; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within such of the said several Townships or Hamlets; or for any Horse going to be shod, or of any Person or Persons for passing to and from his or their Parish Church respectively on Sundays; or attending any Funeral to such Church, or returning from any such Funeral; nor for any Post Horse carrying the Mail or Packet; or Horses of any Soldiers passing who are upon their March, or for Horses or Carriages belonging to or passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Pasles; nor shall any Toll be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going

to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Nottingham or Derby, or of a Burgess or Burgesses to serve in Parliament for the Town of Nottingham or Borough of Derby, on the Day or Days of any such Election, or the Day before or Day after any such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Cattle, Beasts, or Carriage, which shall only cross any Part of the said Road.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Twenty Shillings; 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.

Persons liable to do Statute-work to continue so.

Provided also, and be it further enacted by the Authority aforesaid, That all Persons who are by Law obliged to do Statute-work, or are chargeable towards amending the said Road, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act.

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

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

and appoint: And if any Person shall neglect or refuse to do such Statute-work, every such Person, for every Day he or she shall make Default, shall forfeit the Sum of Ten Shillings for each Team or Draught; and every Householder and other Person shall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default: And in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to give in a List of the Names as aforesaid to such Trustees, then every such Surveyor, or Churchwarden or Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Penalty on Persons not performing Statute-work;

and on Surveyors, &c. not delivering in Lists.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with any Person or Persons for the Performance of his, her, or their Statute-work on the said Roads; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the Townships or Hamlets, or such Churchwardens or Overseers of the Poor as aforesaid (by and with the Consent of the Inhabitants of such Townships or Hamlets first had at any Vestry or other publick Meeting of such Inhabitants) to compound or 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; which Composition Monies shall be instantly paid, and shall be applied in the Repair of the respective Road, of which the Road in respect whereof such Composition shall be made is Part; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the 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 compound for Statute-work.

Surveyors paying the Composition Monies, how to be reimbursed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to such Trustees shall seem meet: And if any Person shall wilfully and maliciously break or pull up any such Stone or Post, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person shall, for every such Offence, forfeit the Sum of

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

Forty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the County wherein the Offence shall be committed, which Warrants the said Justices are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward) and the Penalties or Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall by them respectively be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Road; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol of the County wherein such Offence shall be committed, for any Time not exceeding Three Months for the First Offence, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner discharged.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed; it shall be lawful for him or her to appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County wherein the Cause of such

Appeal shall arise, so as the same be made within Seven 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 intire 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 One 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 thereof, and 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 Complaint of any such Person in a summary Way; and if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the Penalties or Forfeitures aforesaid, or vacate and set aside the Convictions, and set the Parties at Liberty; or otherwise may ratify or confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgement in regard to the Premisses, as they shall think right and reasonable; but no Conviction shall be quashed for Want of Form only; and the Determination of the Justices, at such Quarter Session, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offenders against this Act, shall be quashed or vacated for Want of Form, or be removable by Certiorari, or any other Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Proceedings not to be removable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers hereby given, shall take Place and have Continuance only from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That when any Trustee hereby appointed, or hereafter to be elected, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect and appoint One fit Person in the Room of every Trustee so deceased

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

or

or refusing to act; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving and remaining Trustees, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act and do.

Time and Place of Trustees Meeting.

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

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Qualification of Trustees.

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

Penalty on acting, not being qualified.

every such Offence, shall forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, by Action of Debt, Bill, Suit, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Privilege, Protection, Delay of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act: One Moiety thereof to be applied to the Use of the Informer, and the other Moiety to be applied to the repairing the said Road.

Trustee not to accept of a Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee during his Enjoyment of any Place of Profit under this Act; and that no Innholder, Victualler, or Person selling Spirituous or Fermented Liquors by Retail, shall be capable of any Place of Trust under this Act.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Eleven Trustees shall be present, and Fourteen Days previous Notice in Writing shall be given of such Meeting, and the Intention thereof, upon all the Turnpikes upon the said Road, and by Advertisement in the Nottingham and Derby New Papers.

No Order to be repealed, unless 11 Trustees be present.

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

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

Provided always, 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 Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act; and no Order or Determination shall be made by the said Trustees in the Execution of this Act, unless the Majority of the Trustees present shall concur therein, such Majority

No Trustee shall act but at a publick Meeting.

rity not being less than the respective Numbers by this Act authorized to make such Order or Determination.

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Five or more of the Trustees assembled, as the Case shall require, and such Orders shall be deemed and taken to be Original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Writings to be without Stamps.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the said Counties of Nottingham or Derby, where the Cause of Suit shall have arose, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and

General Issue.

may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and

Treble Costs.

may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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