Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Dunham Ferry*, to the South End of *Great Markham Common*, in the County of *Nottingham*.



WHEREAS the Road leading from Dunham Ferry, in the County of Nottingham, through the several Townships or Parishes of Dunham, Ragnal, Darlton, and Great Markham, to the South End of Great Markham Common, called The West Moor, where the same joins the Great North Road leading from London to York, a little on the South Side a Place called The Eel Pyehouse, between Tuxford in the said County of Nottingham, and Bawtry in the County of York, and containing in Length about Six Miles and an Half, is very ruinous, and in several Places very narrow and incommodious, and in the Winter Season, so very bad that Carriages cannot pass along the same, without great Danger: And whereas Preamble.

the said Road cannot be effectually repaired and widened by the ordinary Methods prescribed by Law: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Lord Viscount Galway, in the Kingdom of Ireland, the Right Honourable Sir John Cust Baronet, Speaker of the Honourable the House of Commons; the Honourable Thomas Willoughby Esquire, the Honourable Morgan Vane Esquire, Sir George Savile Baronet, Sir William Molyneux Baronet, Sir Gervase Clifton Baronet, John Hewett, Ralph Knight, John White, Taylor White, Taylor White junior, Francis Molyneux, Charles Mellish, William Mellish, Charles Mellish of Blyth, Robert Sutton, Robert Sutton junior, Anthony Eyre, Anthony Eyre junior, John Eyre, William Cartwright, William Cartwright junior, George Cartwright, John Cartwright, Edmund Cartwright, Charles Cartwright, Jonathan Acklom, William Simpson, Lindley Simpson, John Whetham, Darcy Burnell, George Nevile, George Donston, William Welby, William Welby junior, William Kirke, George Mason, George Mason junior, William Mason, John Mason, George Brown, Thomas Southworth, William Otter, Edward Sharpe, John Sharpe, Thomas Sharpe, Francis Chappell, George Popplewell, John Bingley, John Bright, Joseph Bright, John Barker, of Barnby, John Parker, James Gheſt, Robert Moody, Simon Woolby, John Hurst, James Goodall, William Baldwin, John Baldwin, Auguſtine Steedman, John Hutton, Richard Hutton, George Hutton, Edward Wilson, John Whitaker, Robert Bates, John Briſtowe, Samuel Shering, George Cosens, George Cosens junior, Edmund Kirke, Stephen Gamm, John Hainſworth, William Laughton, Thomas Moſman, Sampſon Moſman, Thomas Brumby, John Harriſon, John Duſton, William Nettleſhip, Francis Swan, Henſon Kirkby, Thomas Judſon, Robert Draper, Anthony Barker, Edward Brown junior of Retford, Alexander Holden, Robert Holden, Atkinſon Holden, Thomas Heron, Joſeph Sykes, Luke Williamſon, Roger Rocklington, Joſeph Rocklington, John Liſter, the Reverend Septimus Plumtree, the Reverend Thomas Cockſhutt, the Reverend Thomas Peete, the Reverend John Richardſon, the Reverend William Richardſon, the Reverend Walter Palliſer, the Reverend Cecil Fairfax, the Reverend

Truſtees Names.

verend Samuel Brooke, the Reverend Samuel Abſon, the Reverend William Booth, the Reverend Edward Otter, the Reverend John Shilleto, the Reverend Thomas Hurſt, the Reverend John Leland, the Reverend Mathew Markland, the Reverend Francis Holiday, the Reverend William Whitlamb, the Reverend William Paſhley, the Reverend William Law, the Reverend Seth Ellis Stevenſon, the Reverend Langley Grace, ſhall be, and they and their Succeſſors to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, repairing, and keeping in Repair, the ſaid Road, and for putting in Execution all other the Powers hereby given.

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, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or poſſeſſed of a Perſonal Eſtate of the Value of One thouſand five 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 One hundred Pounds; and if any Perſon not being ſo qualified, ſhall preſume to act in the Truſt aforeſaid, 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 by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and the 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 hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Francis Magſon, being known by the Sign of The Rein Deer in Dunham, on that Day Three Weeks next after the paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then adjourn themſelves, and afterwards meet there, or at any other Place or Places near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as there ſhall be Occaſion, or it be neceſſary, for putting this Act in Execution;

and if there shall not appear at any Meeting appointed to be held by virtue of this Act, a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk for the time being to the said Trustees shall, from time to time, by affixing publick Notice in Writing at or upon all the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on 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 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 be revoked or altered at any subsequent Meeting, unless Seven or more of the said Trustees shall concur therein, and unless the Person or Persons applying to revoke or alter any such Order or Determination, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Turnpikes erected upon the said Road, at least Fourteen Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Order made to be repealed, &c. but at a publick Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen, that no Trustees shall appear at the Time and Place appointed, for any of the Meetings of Trustees, to be held under this Act, then in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees

In case the Clerk shall omit to give Notice, Trustees may do it.

stees appointed to put this Act in Execution at any Time or Times (the Space of Ten Days after such Refusal, Neglect or Prevention, of the Clerk or Clerks, having first intervened) to appoint such Trustees to meet at some House in or near the said Roads, on the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings, under their Hands, to elect One other Person living in the said County of Nottingham, to be a Trustee in the Room of such Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees, by affixing the same in Writing upon all the Turnpikes upon the said Road, at least Twenty Days before every such Meeting: and all Persons to be chosen are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

20 Days Notice of Election to be given.

Trustees may erect Turnpikes and Toll-houses, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross any Part or Parts of the said Road, and also upon the Side or Sides thereof, and cross any Lane or Way leading into or lying near the same; and may also erect, or cause to be erected, or provided, a Toll-house, at or near each Turnpike; and from time to time to remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Curricle, or Hearse, drawn by Six Horses;

Horses, or other Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Four Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by less than Four Horses, or other Beasts of Draught, and by more than One, the Sum of One Shilling; and drawn by One Horse, or other Beast of Draught, the Sum of Six Pence.

For every Waggon, Wain, Cart or other Carriage, drawn by more than Six Horses, or other Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Six Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Five or Four Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling; 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, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of Three Half Pence.

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

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

Tolls vested in Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected, shall be and is hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after-mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, refuse or neglect to pay the same,

Tolls may be levied by Distress and Sale.

it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods or Carriage upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls,

Distress may be sold after 4 Days.

and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the

the Horse or Horses, Cattle, Carriage, Goods, or Chattles, so seized and distrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected and provided by virtue of this Act, and of the Materials provided for building or repairing the same, or of which the same shall respectively consist, and also all Materials which shall be actually cut, digged, got, collected, or gathered, for repairing the said Road, shall be and are hereby vested in the said Trustees, and they, or any Five or more them, are hereby impowered to dispose thereof, or of any Part thereof, as they shall think proper, and to bring, or cause to be brought, any Action or Actions, Suit or Suits, in the Names of any Two or more of the said Trustees, or in the Name of their Treasurer or Clerk, or to prefer, or order the preferring, any Bill or Bills of Indictment against any Person or Persons, who shall take, steal, carry away, break down, injure or spoil the same, or any Part thereof, or disturb them in the Possession thereof.

This Act not to extend to prevent any Gate being erected by any future Act between *Dunham Ferry* and *Retford*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prevent the erecting of any Gate or Bar, and collecting Toll for the Passage of Cattle or Carriages, adjoining to any Gate or Bar to be erected by virtue of this Act, upon the said Road from Dunham Ferry to the Common belonging to Dunham and Ragnall, which may be hereafter thought necessary to be erected by virtue of any Act of Parliament for repairing the Road from Dunham Ferry to Retford,

Trustees may lessen the 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 Seven or more of them, from time to time assembled at a Meeting or Meetings to be held for that Purpose (with the Consent of the Person or Persons who shall then be intitled to Two Thirds, or more, of the Money which shall have been advanced upon the Credit of the said Tolls) to lessen, vary, or alter, all or any, or any Part of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Seven or more of them,

shall think proper; and may afterwards, if there shall be Occasion, advance or raise the same again, so as the same do not exceed the Tolls by this Act granted; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected by virtue of this Act.

Tolls to be paid but Once a Day.

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be subject to pay Toll more than Once for passing and repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through all or any of the Gates or Turnpikes to be erected by virtue of this Act; any thing herein contrary to the contrary notwithstanding.

Trustees may compound for the Payment of Tolls.

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 (if they shall think proper) to compound or agree for any Term not exceeding One Year, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the said Road hereby directed to be repaired doth lead, for the passing of their or any of their Cattle or Carriages, not travelling for Hire, through all or any of the said Gates or Turnpikes; which Composition Money shall be paid 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 Money shall be applied in such Manner as the Tolls are herein directed to be applied.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, upon Twenty Days Notice in Writing being affixed on the several Turnpikes upon the said Road for that Purpose, to lease or farm by the Year the Tolls by this Act granted, or any Part or Parts thereof, to any Person or Persons, at or for the largest yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking

taking or farming the said Tolls, and by the Trustees that lett the same, and be not made for more than Three Years at a time, and that the Money that shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid to the said Trustees by Four equal Quarterly Payments, and that the Person or Persons to whom the same shall be so lett, shall always pay down One Quarter's Pay in advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, in the same Manner as is by this Act directed for the accounting for the said Tolls by the Collectors thereof, and for levying and recovering the same.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the first Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and defray all the Charges and Expences attending the procuring and passing or in relation to the obtaining this Act; and shall, from time to time, apply the Remainder of the Money so raised in erecting and repairing Turnpikes and Toll-houses, and in repairing, altering, widening, and keeping in Repair, the said Road, and of executing all the other Purposes of this Act, and to no other Use whatsoever.

Exemptions from Tolls.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Tolls shall be demanded or taken for any Cattle or Carriage whatsoever employed in the Conveyance or Leading of any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, for the repairing the said Road, or any of the Roads in the Townships, Parishes, Hamlets or Places in which the Road hereby intended to be repaired, or any Part thereof, doth lie, or any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the said respective Townships, Parishes, Hamlets, or Places; nor for any Waggon, Cart, or Carriage, carrying any Hay or Corn in the Straw, to be laid up in the Houses, Out-houses, Yards, or other Places, belonging to or used by the respective Inhabitants, or other Person or

Persons

Persons renting, holding, or occupying, any Lands, Meadows, or Grounds, of or in the said several Townships, Parishes, Hamlets, or Places, in which the said Road lies; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever, used or employed in Husbandry, and for manuring and stocking of Land in the said several Townships, Parishes, Hamlets, or Places; nor for any Horses, or other Cattle, going to or returning from Water or Pasture in the said respective Townships, Parishes, Hamlets, or Places; or for any Sheep going to be washed, or returning from washing at any Wash Dyke, River, or other Places, used for the washing of Sheep, in or near any Part of the said Road, or for any Sheep going to or returning from any Place used for the clipping of Sheep, near the said Road; or for any Post-horse or Carriage carrying any Mail or public Packet, or for the Horses of any Soldiers that are upon their March, or for the Horses, Waggons, Carts or Carriages employed in the drawing or conveying the Arms or Baggage of such Soldiers, or for Horses, Carts or Carriages travelling with Vagrants sent by lawful Passes, or returning after having been so employed, nor for any Horse, Mare, Gelding, Mule, Ass, or for any Coach, Chaise, or other Carriage, that shall be 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 Lincoln, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; any thing herein before contained to the contrary notwithstanding: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being duly intitled to the same, every such Person shall forfeit and pay 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 and Forfeitures are herein after directed to be applied.

Penalty on making illegal Claims.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, or Carriage whatsoever, go or pass through any Marsh, Meadow, Land, Ground, or Hereditament, adjoining to or lying near any Gate or Turnpike to be by virtue of this Act erected, (the same not being a public Highway or Road) or if any Owner or Occupier of any such Marsh, Meadow, Land, Ground, or Hereditament,

ditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, or Carriage, to pass through the same, or if any Person or Persons shall give to or receive of any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or shall forge or counterfeit any Note or Ticket by this Act directed to be given by the Receiver or Receivers, Collector or Collectors, of the said Tolls, or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any Coach, Waggon, Cart, or other Carriage, whereby the Payment of any of the Tolls is or shall be avoided or lessened, or shall leave or cause to be left upon or near to any Part of the said Highway or Road, any Coach, Waggon, Cart or other Carriage, Horse or other Cattle, with an Intent to evade or lessen the Payment of the said Tolls, or any Part thereof; every Person offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

Power given to stop up the Passages in certain Places in *Dunham* and *Ragnal*.

And whereas the Payment of the said Tolls may be evaded and greatly lessened by the Passage of Cattle and Carriages through a certain Place or Places in Dunham and Ragnal, or One of them, called the Marsh and Holme, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the said Places, or either of them, to be fenced, walled, or otherwise stopped up, and from time to time kept constantly (if there be Occasion) fenced, walled, or stopped up, during the Continuance of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall damage or destroy such Fence or Fences, or open the said Passages hereby intended to be discontinued, or any of them, every such Person shall pay to the said Trustees, or their Treasurer or Clerk for the time being, the Expence or Expences of repairing and restoring of the said Fences, and every of them, and shall also for every such Offence, forfeit and pay such Sum (not exceeding Ten Pounds, nor less than Twenty Shillings) as the said Trustees, or any Five or more of them, shall direct or appoint.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals,

to mortgage or assign over the Tolls arising by virtue of this Act, or any Part of such Tolls (the Costs and Charges of mortgaging and assigning the same to be paid out of the said Tolls) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, for that Purpose, to such Person or Persons, his, her, or their Trustee or Trustees who shall advance and lend the same, to secure the Payment thereof, with Interest for the same; and the Dates and Contents of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice in Writing be for that Purpose fixed upon all the said Gates or Turnpikes, at least Twenty Days before the borrowing of such Money; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and all the Monies both Principal and Interest that shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Treasurer or Clerk, who shall cause an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the original Mortgages or Assignments, for which such Treasurer or Clerk shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book and Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon, and such Assignee or Assignees may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall have

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Interest or Money 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 advancing or lending any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect to the Priority of advancing or lending such Sum or Sums; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Sums therein mentioned, be Creditors 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 are hereby impowered by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and One or more Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees, or any Five or more of them, shall think necessary; and take such Securities for the due Execution of their several and respective Offices, as the said Trustees, or any Five or more of them, shall in their Discretion think fit; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time, to remove or displace, and to appoint others in the Room of such of them as shall be so removed, or shall resign, or shall die; and may and are hereby impowered, by and out of the Money arising by the said Tolls, to allow and pay to such Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be aiding or assisting to them, or any of them, in their respective Offices or Places, or in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail; and all such Officers and Persons, shall from time to time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

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

Officers to account upon Oath.

them, shall for that Purpose appoint, true and perfect Account and Accounts in Writing, under their respective Hands, upon Oath (which Oath such Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purposes, such Monies, and every Part thereof, hath or have been disposed of or applied, together with proper Vouchers and Receipts of such Payments; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their several and 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 to receive the same: And if any of the Officers or Persons, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or shall refuse or neglect to produce and deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their respective Custody or Power relating to the Execution of this Act; then, and in each, any, or either of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the County of Nottingham, and such Justices, upon Complaint thereof being made to them, are hereby authorized and required to make Enquiry concerning such Refusal or Neglect, as well by the Confession of the Party or Parties respectively, as by the Testimony of 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 if any such Officers or Persons shall be convicted of any or either of the Offences aforesaid, such Justices shall commit every such Offender to the House of Correction or Common Gaol of the County of Nottingham, there to remain without

Trustees may appoint Officers, tho' not as a public Officer.

Officers refusing to account,

Surveyors may dig Gravel, &c.

Justices to enquire into the Default.

For want of Distress, the Offenders to be committed.

without Bail or Mainprize, until he or they shall give and make a true and perfect Account or Accounts, and Payment as aforesaid, or until he or they shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Five or more of them, shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in Respect thereof to the said Trustees, or any Five or more of them. until he shall conform, or compound.

Provided nevertheless, That as often as any Collector of any of the said Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees (though not assembled at a Meeting pursuant to this Act) by Writing under their Hands, to appoint any other Person to receive or collect such Tolls; and the Person so appointed shall have the same Power and Authority for Recovery of the said Tolls, 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 Receiver or Collector of such Tolls. Trustees may appoint Officers, tho' not at a publick Meeting.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors appointed by virtue of this Act, or any Person or Persons who shall by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, be employed for that Purpose, from time to time to cut, dig, gather, take, lead, and carry away any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials proper for repairing the said Highway or Road, in, upon, or out of, or from any Waste or Common Grounds, River, or Brook, in any Town, Parish, Hamlet, or Place, through which the said Road doth lead, or in, or upon, or out of, or from the Waste Grounds or Commons, River, or Brook, of any other Town, Hamlet, Parish, or Place near to the said Road, to be used and applied in repairing and widening the said Road, without paying any thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done, or otherwise sufficiently fenced in and secured; and where there is not sufficient of such Materials to be had or found in or upon any such Waste or Com- Surveyors may dig Gravel, &c. without paying for the same; levelling the Pits.

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

tion Grounds, Rivers, or Brooks, then, and in such Case, to cut, dig, gather, take, lead, and carry away, any Quantity or Quantities of Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, or from the Lands or Grounds of any Person or Persons where the same may be had or found; such Lands or Grounds not being a Yard, Garden, Orchard, Park, planted Walk or Walks of Trees, or Avenue to a House; they the said Surveyors, or other Person or Persons by them employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying or offering to pay to the respective Owner or Owners, Occupier or Occupiers of such Lands or Grounds, such Damages for the Materials, and for carrying the same over his, her, or their respective Lands or Grounds, as the said Trustees, or any Five or more of them, shall adjudge and think reasonable; and in case of any Differences between the said Trustees, Surveyors, or other Persons by them employed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace, to be holden for the County, Division, or Place, where any of the said Materials shall be cut, digged, gathered, taken, or carried away, shall and may, and they are hereby impowered and required (on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or One of their respective Families) to hear, settle, and determine, the Matter of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

Penalty on taking away Materials dug from Quarries for the Use of the Road.

Provided also, and be it enacted, That if any Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take and carry away any Materials whatsoever which shall have been cut, got, digged, or gathered, in any Lands, Fields, Wastes, or Grounds, River, or Brook, for the Use or Purpose of repairing the said Road, or shall get or take away any Materials but of any Pit or Quarry which shall have been made or used for the Purpose of getting such Materials, before

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the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein, by the Space of Twenty Days (except the Owner or Occupier of any private Ground for his own private Use, and Persons authorized by such Owners or Occupiers to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit and pay, for every such Offence, the Sum of Forty Shillings.

Trustees may contract for the Purchase of Lands, &c. to be laid into the Road.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Seven or more of them, shall think it necessary to widen or alter any Part or Parts of the Road by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of or near to any Part or Parts of the said Road, or either of them, or that shall be proper or convenient for widening, turning, or altering any Part or Parts of the said Road (provided that such Part or Parts of the said Road as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Sixty Feet, including the Ditches) and to pay for the same Lands and Hereditaments by and out of the Tolls, and other Monies, to be raised by virtue of this Act; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes-covert, or Cestuique Trusts, and all other Persons whomsoever, may, and shall contract and agree with the said Trustees by this Act appointed, or to be appointed, or any Seven or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

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

Persons refusing to treat,

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other

other Person or Persons whatsoever intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed, or to be appointed, by virtue of this Act, or any Seven or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the Road by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees, for the Sale of such Lands or Hereditaments, or if by reason of their or any of their Absence, or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to or treated with for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands, or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees, at a certain Time and Place, to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return the said Jury accordingly, giving to each Juryman at least Four Days Notice of the Time and Place of his Attendance, and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Five or more of them, having caused Ten Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities of such Lands or Hereditaments, and the Time when and Place where the said Jury are to meet, to assess and ascer-

Trustees may issue their Warrant to summon and impanel a Jury.

aſcertain the Value thereof, they the ſaid Truſtees, or any Five or more of them, may proceed to enquire by Twelve of the ſaid Jurors on their Oaths of the Value of ſuch Lands and Hereditaments; and in Default of a ſufficient Number of Jurors, the Sheriff or his Deputy ſhall return other like Perſons of the By-ſtanders, or that may be conveniently had for the Service, and to which Jurors all Parties intereſted ſhall have their lawful Challenges; and the ſaid Truſtees, or any Five or more of them, having given the Nature of the Enquiry in Charge to the ſaid Jury that ſhall be ſworn, may and are hereby impowered to ſend for, ſummon, and examine all proper Perſons on their Oaths, concerning the Natures and Values of the ſaid Lands and Hereditaments, and if needful, or required, to cauſe the Jury ſworn to view the ſaid Lands or Hereditaments, and to take ſuch other Meaſures to inform themſelves and the Jury ſworn, concerning the Natures and Values of the ſaid Lands and Hereditaments, as they ſhall think proper; and the ſaid Jury being ſo informed, ſhall, by their Verdict, aſſeſs and aſcertain the Values of the reſpective Lands and Hereditaments that ſhall have been given them in Charge to inquire of; and the ſaid Truſtees, or ſuch Five or more of them, as ſhall be preſent at the taking of ſuch Inqueſts, ſhall thereupon adjudge the Sums of Money aſſeſſed by the ſaid Juries as the Values of the ſaid Lands, or Hereditaments, to be paid to the Perſon or Perſons intitled to the ſame Lands or Hereditaments; and ſuch Findings of the Juries, and Judgements of the ſaid Truſtees, ſhall be finally binding and concluſive to all Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate and Sole, Infants, Femes-covert, and other Perſons whomſoever, any wiſe intereſted or to be intereſted in the ſaid Lands and Hereditaments, or any Part thereof: And if any ſuch Sheriff or his Deputy ſhall refuſe or neglect duly to obey any Warrant or Precept of the ſaid Truſtees, or to do any Act or Matter of his Office, relating to the Premiſſes; or if any Juryman ſo ſummoned as aforeſaid ſhall not appear, or appearing, ſhall refuſe to be ſworn, or if ſworn, ſhall not find his Verdict concerning the Matters that ſhall be given him in Charge; or if any Witneſs being ſent for, or ſummoned to appear, and give Evidence to the ſaid Truſtees and Juries, ſhall not appear, or if appearing, ſhall refuſe to be ſworn, and thereupon to give his Evidence concerning the Matters aforeſaid; every ſuch Sheriff, Deputy, Juryman, and Witneſs,

Jurors may be challenged.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be binding and concluſive.

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

Witness, shall for every such Refusal, Neglect or Offence, forfeit the Sum of Five Pounds.

Lands, &c. when purchased, to be made Part of the said Road.

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgements of the Trustees, concerning the Value of Lands and Hereditaments, that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration-monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same, or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees, to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner and by the same Means and Powers as the Road by this Act intended to be repaired is hereby directed so to be; and after any such new Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands, to which such new Road doth not lead or communicate, shall be and are hereby vested in and may be exchanged or sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same, and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

and deemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard,

yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Surveyors removes Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall employ or 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 Road by Filth, Dung, Timber, Wood, Rubbish, or otherwise, and to turn, alter, scour or cleanse any Watercourses, Sinks, Ditches, or Drains, running into, along, cross, or out of the said Road, and make the same as deep and large as he or they shall think proper and necessary; and to cut down, lop or top, any Tree or Trees or Bushes growing in or near to the said Road, or in the Hedges or Banks adjacent thereto, and to take, remove, and carry away the same, and to plash or lower any Hedges adjoining to the said Road, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down, lop by top, or carry away such Tree or Trees, or Bushes, or Plash or lower such Hedge as aforesaid, or to turn, open, scour or cleanse such Watercourses, Sinks, Ditches, or Drains, or remove such other Annoyances, for the Space of Ten Days next after Notice given for that Purpose by the said Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person shall, for every such Second Offence, forfeit and pay any Sum not exceeding Ten Shillings a Rood.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

and deepened a public Highway.

the Charges thereof to be reimbursed to the Surveyors.

Penalty of a Second Offence.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways and Drains in and upon the said Road, and also to cut and make Ditches or Drains through any Lands or Grounds lying contiguous thereto, and to erect, or keep in Repair, Bridges or

or Arches of Brick, Timber, or Stone, upon the said Road, or enlarge any Bridges or Arches already made, and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Moors, Commons, or Waste Grounds adjoining thereto, or through which the said Road doth now pass; and also to cause Ditches or Trenches to be made in such Places and in such Manner as the said Surveyor or Surveyors shall think necessary for the better amending and keeping the said Road in good Repair and Condition, and also to make, or cause to be made, a Road or Way through, over, and along the Lands or Grounds adjoining, on any narrow, ruinous, or incommodious Part or Parts of the said Highway or Road hereby intended to be repaired (not being a Yard, Garden, Orchard, Park, planted Walk or Walks, or Avenue to a House) to be made use of by all Passengers with Cattle, Carriages, or otherwise, as a publick Highway or Road, whilst the old Road is repairing, altering, or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass along the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace to be holden for the County, Division, or Place wherein such Lands or Grounds shall lie, and they are hereby impowered and required to hear, settle, and finally determine what Recompence shall be made to such Owners or Occupiers for the respective Damages sustained as aforesaid, whose Judgement or Order therein shall be conclusive to all Parties concerned.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided nevertheless, and it is hereby enacted and declared, That all and every Person and Persons who are any ways liable or chargeable towards repairing, supporting, and amending the said Road, or any Part or Parts thereof, or any Bridges or Arches upon or across the same, shall still remain and be liable and chargeable

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

chargeable to such Repairs, in such and the same Manner as before the passing of this Act they were liable and chargeable, except so far as is herein or hereby otherwise directed.

Inhabitants to do Statute-work.

And be it enacted by the Authority aforesaid, That all and every the Inhabitants of the several Townships, Parishes, Hamlets, and Places through which the said Road doth lead, who by the Laws and Statutes of this Realm are or shall be liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall and are hereby required to do and perform Three Days of such Statute-work or Duty in such Part or Parts of the said Road lying within such Townships, Parishes, Hamlets, or Places respectively, and at such Time or Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors for the time being, shall direct or appoint; and that all and every Person and Persons who shall at any Time or Times, during the Continuance of this Act, rent, hold, or occupy any Lands, Grounds, Tenements, or Hereditaments within any of the said Townships, Parishes, Hamlets or Places, of the yearly Value of Fifty Pounds, shall be deemed and adjudged to keep a Team within such respective Township, Parish, Hamlet, or Place, and shall accordingly do and perform such Work in and towards the repairing the said Road in such respective Township, Parish, Hamlet or Place, as Persons actually keeping Teams therein are compelled by Law to do.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways of each and every of the said Townships, Parishes, Hamlets, and Places (or in case no Surveyor is or shall be appointed, then the Churchwardens and Overseers of the Poor of such Townships, Parishes, Hamlets, and Places) shall yearly and every Year, during the Continuance of this Act (on Seven Days Notice from the Surveyor or Surveyors appointed by virtue of this Act) return and deliver to such Turnpike Surveyor or Surveyors true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Townships, Parishes, Hamlets, and Places respectively, and of such other Person and Persons as are obliged to do their Statute-work for that Year; and shall in such Lists, and every of them, distinguish which of such Inhabitants and Persons do, and by this Act shall be deemed to keep a Team or Teams, and which of

them are Labourers only; and the Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such respective Townships, Parishes, Hamlets, or Places, within Seven 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 or they would have to do such their respective Statute-work upon any Part or Parts of the said Road, shall give publick 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, Hamlet, or Place, shall neglect or refuse to do as he or they are hereby directed and required, every such Surveyor, Churchwarden, or Overseer of the Poor, shall, for every such Default, forfeit and pay the Sum of Five Pounds; and every Person and Persons keeping a Team or Teams, or by virtue of this Act deemed to keep a Team or Teams, in any of the said Townships, Parishes, Hamlets, or Places, who shall, after such publick Notice, refuse or neglect to do and perform such his, her or their respective Statute-work in or upon the said Highway or Road, at such Times and Places, and in such Manner as he, she, or they shall, by the said Turnpike Surveyor or Surveyors, be respectively directed or appointed to do by virtue of this Act, every such Person and Persons shall, for every such Refusal or Neglect, forfeit and pay the several and respective Sums herein after mentioned; that is to say, Every such Person and Persons who shall keep, or by virtue of this Act be deemed to keep, a Team, for every Day's Default, the Sum of Ten Shillings; and every other Person not keeping, or, being by virtue of this Act not deemed to keep, a Team, for every Day's Default, the Sum of One Shilling and Six Pence; and every Person who shall, according to such Notice as aforesaid, come either as a Labourer or Person sent with a Team, to work on the said Road, and shall be found idle or negligent in his Duty by the said Turnpike Surveyor or Surveyors, where the said Statute-work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, shall be subject and liable to the respective Penalties and Forfeitures before-mentioned.

Penalty on Surveyors neglecting to deliver Lists;

and on Persons not performing Statute-work.

Provided

Provided also, and be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, to compound or agree for any Term, not exceeding One Year, with the Owners, Possessors, or Occupiers of Lands, Grounds, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part or Parts of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon; and also that it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Hamlets, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, Hamlets, or Places, first had at any Vestry or other publick Meeting of such Inhabitants respectively) to compound or agree for any Term, not exceeding One Year, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such respective Inhabitants or Persons upon the said Road; all which Composition-money shall, from time to time, be paid in Advance into the Hands of the Treasurer or Clerk, and shall be applied in Repair of the said Road, lying in such respective Township, Parish, Hamlet or Place; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them respectively paid, in such Manner, and by such Ways and Means, as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them respectively expended in repairing the Highways.

Trustees may compound for Statute-work.

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

Surveyors paying the Composition-money, how to be reimburs'd.

And whereas the Inhabitants of the Town and Parish of Great Markham aforesaid, are directed by Two Acts of the Twelfth Year of King George the First, and of the Twelfth Year of King George the Second, for repairing the Road from Spittlegate Hill, near Grantham in the County of Lincoln, to Little Drayton in the County of Nottingham, to do and perform Three Days Work, commonly called Statute-work, in each Year for each Person and Team, in and upon the said recited Road: And whereas that Part of the said recited Road which lies in, and leads through, Part of the Lordship or Parish of Great Markham aforesaid, is now, and has been for many Years, in very good and substantial Repair and Condition; and for several Years last past very little Money has been expended thereon, and may for

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the future, at an easy Expence, be supported and kept in good and sufficient Repair: And whereas the Town and Parish of Great Markham aforesaid, is a large extensive Village, Parish, or Place, having many other Highways and Roads therein leading into the Fields, Meadows, and Hop Grounds within the same Parish, and to several Towns, Villages, and Places adjacent to the said Town and Parish, which are in a very bad and ruinous State and Condition, being situate in a Clay Country, and if the said Inhabitants should still continue compelled to do and perform Three Days Statute-work in and upon the said recited Road, and also Three Days Statute-work in and upon the Road intended to be repaired by virtue of this Act (which Road hereby intended to be repaired, leads through almost the whole Extent of the Town and Parish of Great Markham aforesaid, and is in want of all the Assistance and Support that the Inhabitants can give thereto) they the said Inhabitants would thereby be totally deprived of all their Statute-work, and consequently be under great Difficulties to repair, amend, and support the Lanes, Highways, and Roads within the said Parish: For Remedy whereof, be it enacted by the Authority aforesaid, That the Inhabitants of the Town and Parish of Great Markham aforesaid, shall not, nor shall any of them, at any Time during the Continuance of this present Act, be required, compelled, or compellable, to do and perform any more than One Day's Work, commonly called Statute-work, in each Year, for any One Person or Team in and upon any Part of the said recited Road, leading from Spittlegate Hill, near Grantham, to Little Drayton aforesaid; any Law, Statute or Statutes, to the contrary notwithstanding.

Inhabitants of *Great Markham* to do One Day's Statute-work.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, for that Purpose, authorize or appoint, are hereby impowered, from time to time, to contract or agree with any Person or Persons for the repairing, widening, altering, or amending, the Road by this Act directed to be repaired, or any Part or Parts 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; and that all Contracts or Agreements in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them,

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

All Contracts, &c. entered into by the Trustees, deemed valid.

them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered, against the Party or Parties failing in the Execution of such Contracts or Agreements.

Roads to be measured, and Mile-stones erected.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required, to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up on the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And that if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions or Letters which shall be engraved or made thereon, or any Part thereof, or cause or procure, or encourage, any Person or Persons to do the same, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each and every Stone or Post so wilfully or designedly broken, obliterated, defaced, injured, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Nottingham, before whom such Conviction shall be made; One Moiety of which Penalty shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, defaced, or injured, or in supplying new ones in their Stead; and if there shall be any Overplus, the same shall be laid out and applied in repairing the said Road; and in case the said Penalty shall not be forthwith paid upon Conviction of the Offender or Offenders, that then it shall and may be lawful for the said Justice or Justices, before whom such Offender or Offenders shall have been convicted as aforesaid, or for any other Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction or Common Gaol of the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Penalty or Penalties shall be paid, on such Conviction or Convictions as aforesaid.

Penalty on defacing Mile-stones;

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, 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 or trail upon any Part of the said Road to the Prejudice of such Road, or draw any Plow upon or across the said Road, or any Part thereof, whereby the said Road, or any Part thereof, shall or may be prejudiced, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, as to the said Trustees, or any Five or more of them, shall appear reasonable.

Penalty of obstructing Surveyors, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, during the Continuance of this Act, assault, interrupt, hinder, or disturb, or cause or attempt to be assaulted, interrupted, hindered, or disturbed, any Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, appointed by virtue of this Act, or any of them, in the Execution of his or their respective Offices, Duties, or Places, or any other Person or Persons by them, or any of them, or by the said Trustees, employed in the Execution of this Act, or employed in the cutting, digging, taking, or carrying away, of any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, for the repairing or widening the said Road, or any Part thereof; or in topping, lopping, cutting down, or removing, any Tree or Trees, or Bushes, as aforesaid, or in digging, cleansing, or scouring, of any Ditch, Drain, Sink, or Watercourse, or in plashing or cutting any Hedge or Hedges; or in doing any other Act, Matter, or Thing, whatsoever, in, or upon, or for the repairing, widening, or altering, the said Road, or any Part thereof; or otherwise in or for the Execution of the Powers and Authorities hereby given, or any of them, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein or hereby inflicted (the Manner of Recovery and Levying whereof is not herein or hereby otherwise particularly prescribed or directed) shall, upon Proof of the Offence or Offences respectively, before any Justice or Justices of the Peace

for

for the County of Nottingham, either by the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses, 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, or Hands and Seals, of such Justice or Justices, which Warrant or Warrants any such Justice or Justices is and are hereby authorized and required to grant for those respective Purposes, and to administer such Oath and Oaths gratis; and the Overplus remaining, after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted and paid, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattles; which said Penalties and Forfeitures so levied as aforesaid, or otherwise paid, and every Part thereof (if not otherwise directed to be applied by this Act) shall from time to time be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers, Clerk or Clerks, for the time being, and shall be applied and laid out in the Repair of the said Road, or in putting this Act in Execution; 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 any such Justice or Justices, and he or they are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol of the said County, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months for the first Offence, or until such Penalties and Forfeitures, and all reasonable Charges, shall be fully paid and satisfied; and for the second Offence, and any other Offence of the same Kind or Nature, for any Time not exceeding Six or less than Four Calendar Months, or until such Penalties and Forfeitures, and all reasonable Charges, shall be fully paid and satisfied.

Provided nevertheless, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Matter or Thing done by virtue or in pursuance of this Act (and for which no particular Method of Relief hath been already prescribed or appointed) such Person or Persons may, within the Space of Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County,

Persons aggrieved may appeal to the Quarter Sessions.

County, Division, or Place, wherein the Offence was committed, (he, she, or they, causing Ten entire Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Clerk or Treasurer for the time being to the said Trustees, or to some or One of the Receivers or Collectors of the said Tolls, or Surveyors of the said Road; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace, for such County, Division, or Place, with Two sufficient Sureties that are Householders, conditioned to try such Appeal at, and abide the Order or Judgement of, and pay such Costs as shall be awarded by such Justices at such Quarter Sessions) which said Justices, at their said Sessions, or the major Part of them, upon due Proof of such Notice being given, and of entering into such Recognizance as aforesaid, shall and are hereby directed to proceed in, hear, and determine the Causes and Matters of such Appeals, and every of them, and shall give such Relief and Costs to the Parties appealing, or appealed against, as they or the major Part of them in their Discretion shall judge proper and reasonable, and their Judgements and Orders therein shall be final and conclusive to all Parties concerned.

Notice of Appeal to be given.

Commencement and Continuance of this Act.

And be it enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities and Powers herein and hereby made payable and given, shall commence and have Continuance from that Day three Weeks next 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.

Proceedings to be enter'd in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of the Powers and Authorities hereby to them given, shall from time to time be entered in a Book or Books to be kept for those Purposes, and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said Trustees, and such Orders shall be taken and deemed to be original Orders; and which said Book or Books, and also the Book or Books directed to be kept for the registering of the said Mortgages, Assignments and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made or had by the said Trustees, or by any

any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or be removed by Certiorari or otherwise, into any Court of Record at Westminster.

Provided always, That no Nomination, Appointment, Order, Conviction, Judgement, Warrant, Mortgage, Assignment, Transfer or other Security for borrowing of Money, or other Writing or Instrument whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought, laid and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence on any Trial or Trials which shall be had thereupon, and that the Matter or Thing was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such his, her, or their Action or Actions, Suit or Suits; or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein; then, and in either and in every of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

Publick Act. And be it enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. 6

FINIS.