Anno ſeptimo

Georgii III. Regis.

An Act for continuing and enlarging the Term and Powers of ſo much of Two Acts, made in the Twelfth Year of the Reign of *George* the Firſt, and in the Twelfth Year of the Reign 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*, as relates to the Road leading from *Foſton Bridge*, in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*.

WHEREAS by an Act made in the Twelfth Year of the Reign of his late Majeſty King George the Firſt, intituled, An Act for repairing the Road from *Spittlegate Hill* near *Grantham*, in the County of *Lincoln*, to *Little Drayton*, in the County of *Nottingham*, ſeveral Tolls, Duties, and Powers, were granted to certain Truſtees therein mentioned, which were to continue for and during the Term of Twenty one Years: And whereas by another Act made in

Preamble, reciting Acts 12 *Geo.* I. and 12 *Geo.* II.

in the Twelfth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for enlarging the Term and Powers granted by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, for repairing the Road from *Spittlegate Hill* near *Grantham*, in the County of *Lincoln*, to *Little Drayton* in the County of *Nottingham*; the ſaid Term was further continued for and during the Term of Twenty one Years: And whereas the Truſtees have proceeded in the Execution of the ſaid Acts; but that Part of the ſaid Road which leads from Foſton Bridge, in the County of Lincoln, to Little Drayton, in the County of Nottingham, cannot be effectually amended and widened, unleſs the Term and Powers of the ſaid Acts, ſo far as the ſame relate to the ſaid Road from Foſton Bridge to Little Drayton aforeſaid, be further continued and enlarged; 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 ſaid former Acts, and all and every the Tolls or Duties, Powers, and Clauſes therein contained, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid (except ſuch as are hereby varied, altered, or repealed) ſhall be, and continue in full Force, and be executed from and after the Expiration of the Term granted by the ſaid former Acts, and alſo of the additional Term granted by an Act, made in the Twenty eighth Year of the Reign of His ſaid late Majeſty King George the Second, intituled, An Act to amend an Act, made in the Twenty ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, as fully as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term, and the Tolls or Duties, Powers, and Clauſes, hereby continued and granted, are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid former Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid, and of ſuch other Sum and Sums

The recited Acts further continued.

Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid former Acts (ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid) or this Act, and the Intereſt due and to grow due for the ſame.

And be it further enacted by the Authority aforeſaid, That the Right Honourable Sir John Cuſt Baronet, Speaker of the Honourable Houſe of Commons; the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck; the Right Honourable Henry Clinton, commonly called Lord Clinton; the Right Honourable William Lord Viſcount Gallway in the Kingdom of Ireland, the Honourable Thomas Clinton, the Honourable John Clinton, the Honourable Thomas Willoughby, the Honourable Morgan Vane, Sir George Savile, Sir William Molyneux, Sir Gervas Clifton, Sir Henry Frankland, Sir George Smith, Sir Samuel Gordon, Baronets; Sir Francis Molyneux Knight, Samuel Abſon Clerk, Jonathan Acklom, Robert Banks, Anthony Barker, Robert Bates, John Bingley, William Booth Clerk, John Bright, Samuel Brooke Clerk, John Briſtowe, Job Brough, George Brown, Edward Brown, Darcy Burnell, William Cartwright, William Cartwright junior, Edmund Cartwright Clerk, Charles Cartwright Clerk, Francis Chappel, Thomas Cockſhutt Clerk, Job Staunton Charlton, William Cheales Clerk, John Coltman, John Gilbert Cooper junior, George Coſſen, Benjamin Cromwell, Robert Dalziel, Robert Waring Darwin, John Darwin Clerk, Thomas Dickonſon, Henry Diſney, Henry Diſney Clerk, Lewis Diſney, George Donſton, William Ellis, Anthony Eyre, Anthony Eyre junior, John Eyre, George Fairfax Clerk, Robert Forſter, John Girton, James Goodall, John Gregory Clerk, Grote, Richard Hackett Clerk, William Handley, Thomas Hall Clerk, Robert Hall Clerk, William Harding Clerk, John Harriſon, Richard Herring, John Hewett, Thomas Heron, Robert Heron, Alexander Atkinſon Holden, Robert Holden, Atkinſon Holden, Robert Holden of Kirkgate in Newark, Francis Holiday Clerk, John Hutton, Richard Hutton, George Hutton, Thomas Hurſt Clerk, Thomas Judſon, Henſon Kirkby, William Kirke, Edmund Kirke, Ralph Knight, William Langley, William Law Clerk, William Laughton, John Leland Clerk, John Liſter, Robert Lock Clerk, Matthew Markland Clerk, William Martin, George Maſon, George Maſon junior, William Maſon,

Truſtees Names.

John Maſon, William Melliſh, Charles Melliſh of Ragnal, Charles Melliſh of Blyth, John Michel, Henry Milns, John Milns of Stodmer Street, Newark; Robert Moody, Thomas Motterſhaw Clerk, the Honourable and Reverend Gideon Muray D. D. George Nevile, Edward Otter Clerk, Walter Palliſſer Clerk, John Parker, William Paſhley Clerk, Girton Peake, Thomas Peete Clerk, Roger Pocklington, Joſeph Pocklington, George Poplewell, Robert Ramſden, William Raſtall D. D. Timothy Raſtall, William Richardſon Clerk, John Richardſon Clerk, Robert Rouſby, Anthony Routh Clerk, Joſhua Sampſon Clerk, Edward Sharpe, John Sharpe, Thomas Sharpe, Henry Sherbrook, Samuel Shering, John Shilleto Clerk, William Simpſon, Lindley Simpſon, Thomas Southworth, Robert Spencer, John Spencer, Arthur Charles Stanhope, Auguſtine Steedman, Richard Stevens Clerk, Seth Ellis Stevenſon Clerk, John Storey of Eaſt Stoke, Robert Sutton, John Sutton, Robert Sutton junior, Richard Sutton D. D. Joſeph Sykes, Morgan Vane junior, Samuel Walker M. D. Hugh Wade, George Wakefield of Flintham Clerk, George Wakefield of Eaſt Stoke Clerk, John Walker Clerk, John Ward Clerk, William Welby, William Welby junior, Luke Williamſon, Bernard Wilſon, John Whetham, John Whitaker, John White, Taylor White, Taylor White junior, Francis Willoughby, and Edward Wilſon, and their Succeſſors, ſhall, from and after the paſſing of this Act, be added to, and joined with, the Truſtees appointed by or in purſuance of the ſaid former Acts, for putting the ſaid former Acts, ſo far as the ſame relate to the ſaid Road from Foſton Bridge to Little Drayton aforeſaid, and this preſent Act in Execution: And the Truſtees herein before nominated, and their Succeſſors, are hereby impowered to act in the Execution of ſo much of the ſaid former Acts as relates to the ſaid before-mentioned Road, and alſo this preſent Act, as fully and effectually to all Intents and Purpoſes as if they had been appointed Truſtees by the ſaid former Acts: And the Truſtees appointed by or in purſuance of the ſaid former Acts, for ſuch Part of the Road in the ſaid Acts mentioned as leads from Foſton Bridge to Little Drayton aforeſaid, or by or in purſuance of this preſent Act, or any Five or more of them, ſhall have the ſame Authority for electing new Truſtees, from time to time, inſtead of ſuch of the Truſtees hereby, or by the ſaid former Acts, appointed, and their Succeſſors, who ſhall die, remove, or refuſe to act, as is authorized

Truſtees of the former Act to put this Act in Execution.

Election to be made of new Truſtees, in the Room of ſuch as ſhall die, remove, or refuſe to act.

rized for the Choice of new Truſtees in the ſaid former Acts, for putting in Execution the ſaid Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid.

And whereas by the ſaid Act made in the Twelfth Year of the Reign of His late Majeſty King George the Second, any Perſon being appointed a Truſtee by the Authority thereof, and being ſeiſed or poſſeſſed for Life, or ſome greater Eſtate, to his own Uſe, of Lands, Tenements, or Hereditaments, which were tared for Fifty Pounds per Annum, or more, in the Counties of Lincoln or Nottingham, towards the Land Tax, for the Year One thouſand ſeven hundred and thirty eight, was capable of acting as a Truſtee in the Execution of the ſaid Act, or of the Act made in the Twelfth Year of the Reign of His late Majeſty King George the Firſt: And whereas the Qualification limited by the ſaid Act has been found inconvenient; therefore be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; or poſſeſſed of, or intitled unto, a Perſonal Eſtate of the Value of Three thouſand Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate of Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is ſo qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this or the ſaid former Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid.

Qualification of Truſtees.

Penalty on acting if not qualified.

And whereas by the ſaid recited Act made in the Twelfth Year of the Reign of His late Majeſty King George

George the Second, all Meetings, where a ſufficient Number of Truſtees ſhould not meet to act, were directed to be adjourned by the Clerk to the ſaid Truſtees to the Firſt Friday in the next Month, and Notice was directed to be affixed upon all the Gates or Turnpikes Ten Days before every ſuch Meeting ſo adjourned: And whereas ſuch Adjournments and Notices have proved troubleſome and inconvenient; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, if at any Meeting or Meetings appointed to be held by virtue of the ſaid former Acts, ſo far as the ſame relate to the ſaid Road from Foſton Bridge to Little Drayton aforeſaid, or this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Treaſurer to the ſaid Truſtees, ſhall and may, from time to time, as often as ſuch Caſe ſhall ſo happen, by Notice in Writing to be affixed upon the Turnpikes erected, or to be erected, between Foſton Bridge and Little Drayton aforeſaid, at leaſt Six Days before the next Meeting, appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was appointed to be held, or at ſome other convenient Place between Balderton and Little Drayton, on ſome convenient Day within Two Months after the Day for which ſuch laſt Meeting was appointed; any thing in the ſaid recited Act to the contrary notwithſtanding: And in caſe it ſhall happen that no ſuch Adjournment ſhall be made at any Meeting of the Truſtees as aforeſaid, or that no Notice or Appointment for Meeting ſhall be given or made by the Truſtee or Truſtees then preſent, or by the Clerk or Treaſurer to the ſaid Truſtees, within Two Months after ſuch Day of Adjournment as aforeſaid; then, and in either of the ſaid Caſes, it ſhall and may be lawful, at any Time after the Default of ſuch Adjournment or Appointment, for the Treaſurer to the ſaid Truſtees for the time being, by Notice in Writing under his Hand, to be affixed on all the Turnpikes then erected between Foſton Bridge and Little Drayton aforeſaid, and upon the Market Croſſes, or other conſpicuous Place, in the Towns of Newark and Tuxford, to appoint the ſaid Truſtees to meet at ſome convenient Place between Balderton and Little Drayton aforeſaid, at any Time not ſooner than Six Days after the Day on which ſuch Notice ſhall be given; and that Six Days Notice of all Meetings ſhall be given in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for the time being, and affixed upon all the

In Default of a ſufficient Number of Truſtees to act, Clerk to give Notice of another Meeting.

the Turnpikes then erected between Foſton Bridge and Little Drayton aforeſaid, and upon the Market Croſſes, or other conſpicuous Place, in the Towns of Newark and Tuxford aforeſaid.

And whereas the Tolls granted by the ſaid Act made in the Twelfth Year of the Reign of His late Majeſty King George the Second, and payable at the Turnpikes erected between Foſton Bridge and Little Drayton aforeſaid, will not be ſufficient for the Purpoſes of the ſaid former Acts, ſo far as they relate to the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, and this preſent Act; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the Truſtees authorized to execute the Powers of this and the ſaid former Acts, ſo far as the ſame relate to the Road between Foſton Bridge and Little Drayton aforeſaid, or any Five or more of them, may erect, or cauſe to be erected, ſuch or ſo many new Turnpikes in, upon, or acroſs, ſuch Parts, and in ſuch Places, 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, a Toll-houſe to each Turnpike; and, from time to time, cauſe any ſuch Turnpike or Turnpikes, Toll-houſe or Toll-houſes, ſo to be erected, as well as thoſe already erected, between Foſton Bridge and Little Drayton aforeſaid, by virtue of the ſaid former Acts, or either of them, to be taken down, removed, or altered, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper: And that, inſtead of the Tolls and Duties made payable by the ſaid Act paſſed in the Twelfth Year of the Reign of His late Majeſty King George the Second, the Tolls and Duties following be demanded and taken at each of the ſaid Turnpikes, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, appoint for that Purpoſe, before any Perſon or Perſons ſhall be permitted to paſs through the ſame with any Horſe, Cattle, or Carriage whatſoever; (that is to ſay)

Truſtees may erect an additional Turnpike and Toll-houſe,

and take Tolls thereat.

The Tolls.

For every Coach, Landau, Berlin, Chariot, Curricle, Calaſh, Chaiſe, Chair, Hearſe, or Chaiſe Marine, drawn by Six 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 Two Horſes, or other Beaſts of Draught, One Shilling; and drawn by One Horſe, or other Beaſt of Draught, Six Pence.

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

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

For every Horſe, Mare, Gelding, Mule, or Aſs, or other Beaſt of Burden, laden or unladen, and not drawing, One Penny Halfpenny.

For every Drove of Oxen, or Neat Cattle, Ten Pence per Score, and ſo in Proportion for any greater or leſs Number; and for every Drove or Herd of Calves, Sheep, Lambs, or Swine, Five Pence per Score, and ſo in Proportion for any greater or leſs Number.

And 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 authorize and appoint, ſhall have the ſame Powers, Authorities, and Remedies, for demanding, collecting, recovering, levying, aſſigning, transferring, leaſing, leſſening, and raiſing the Tolls or Duties hereby made payable, as are in and by the ſaid former Acts, or this preſent Act, to them given and preſcribed: And the ſaid Tolls and Duties, and every Part thereof, ſhall be paid, applied, and diſpoſed of, to and for ſuch Uſes, Intents, and Purpoſes, as are by the ſaid former Acts (ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid) and this preſent Act, directed and appointed, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Tolls to be paid but thrice a Day between *Foſton Bridge* and *Little Drayton*.

Provided always, That no more than Three Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day, with the ſame Horſes, Cattle, Beaſts, or Carriages, through all the Toll-gates or Turnpikes erected or to be erected by virtue of this or the ſaid former Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid; but that all and every Perſon or Perſons, having

having paid Three Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of ſuch Tolls) ſhall paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll-free, during ſuch Day through all the Toll-gates or Turnpikes erected, or to be erected, by virtue of this or the ſaid former Acts, ſo far as the ſame relate to the ſaid Road from Foſton Bridge to Little Drayton.

Proviſo. Provided alſo, That no Toll ſhall be taken for paſſing on the ſaid Road for a Length not exceeding Three hundred Yards.

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 Seven or more of them, aſſembled at any Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls hereby, or by the ſaid former Acts, granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and may afterwards, from time to time, advance all or any of the Tolls, ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates herein before mentioned; and the ſaid Truſtees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or ſo reduced, as aforeſaid, to be collected in ſuch Parts and Proportions at the Turnpikes, as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and ſuch reduced Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied, in ſuch and the ſame Manner as the Tolls are in and by this Act, or the ſaid former Acts, ſo far as the ſame relate to the Road between Foſton Bridge and Little Drayton aforeſaid, directed to be collected, levied, and applied: But no ſuch Reduction ſhall be made, unleſs the Perſon or Perſons who ſhall be intitled to Three Fifths of the Money which ſhall have been lent on the Credit of the Tolls intended to be reduced, and then unſatisfied, ſhall be conſenting thereto; and that no ſuch Meeting ſhall be held for the Purpoſes aforeſaid, unleſs Twenty Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes which ſhall be then erected between Foſton Bridge and Little Drayton aforeſaid, by virtue of this or the ſaid former Acts, and upon the Market Croſſes, or other conſpicuous Place, in the Towns of Newark and Tuxford. and raiſe them again.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered, from time to time (as they ſhall ſee convenient) to compound and agree, for any Term not exceeding One Year at any One Time, with any Perſon or Perſons, for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, or any Part thereof, excepting Carriages travelling for Hire, for all or any of the Tolls to be paid for or in reſpect of ſuch Carriages, Horſes, Cattle, or Beaſts; and all ſuch Compoſition-money ſhall be paid in yearly 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 in reſpect whereof ſuch Compoſition is made are directed to be applied.

Truſtees may compound for Tolls.

Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall, from and after the paſſing of this Act, have Power to compound and agree, and are herby impowered and required to compound and agree, with any Perſon or Perſons living or reſiding in the County of Nottingham, who ſhall drive or own any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Horſe, Aſs, Mule, Cattle, Waggon, Wain, Cart, or other Carriage, not travelling for Hire, which ſhall paſs or repaſs through any Turnpike to be erected between Muſkham Bridge and South Muſkham aforeſaid, at a Rate not exceeding Five Shillings per Annum for paſſing through ſuch Turnpike.

Truſtees may leaſe the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing by virtue of this or the ſaid former Acts between Foſton Bridge and Little Drayton aforeſaid, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, from Year to Year, or for any Term of Years not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Truſtees, or any Seven or more of them, ſhall direct or appoint; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the ſaid Tolls are by this or the ſaid former Acts directed to be applied.

Exemptions from Tolls.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That no Tolls ſhall be demanded

ed or taken for any Cattle or Carriages whatſoever employed in the Conveyance of any Materials for repairing or rebuilding Muſkham Bridge, or repairing the Banks of the River Trent in the Pariſh of Muſkham; nor for any Horſes, or other Cattle, going to, or returning from, Water or Paſture in the Townſhips, Hamlets, or Places, in which the Road hereby intended to be repaired, or any Part thereof, doth lie; or for any Sheep going to be waſhed, or returning from waſhing, at any Waſh-dyke, River, or other Place, uſed for the Waſhing of Sheep in or near any Part of the ſaid Road.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees appointed by or in purſuance of the ſaid former Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid, or in and by this Act, or any Seven or more of them, aſſembled at a Meeting for that Purpoſe, upon the Credit of the Tolls to be collected by virtue of the ſaid former Acts, ſo far as the ſame relate to the ſaid Road from Foſton Bridge to Little Drayton aforeſaid, or this Act, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary; and may and are hereby impowered, from time to time, under their Hands and Seals, to mortgage or aſſign over the ſaid Tolls, or any Part thereof (the Charges of ſuch Mortgages and Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all ſuch Mortgages or Aſſignments ſhall be entered in Books kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; any thing in the ſaid former Acts, or either of them, appointing the Number of Truſtees to act for the Purpoſe of borrowing Money, to the contrary notwithſtanding.

Aſſignments may be tranſferred.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Mortgage or Aſſignment ſhall be made of and for Money to be borrowed on the Credit of the Tolls granted by the ſaid former Acts, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton, or by this Act, or who ſhall be intitled to the Money thereby ſecured, is and are hereby impowered, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or

their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Preſence of Two or more credible Witneſſes, to aſſign or transfer his, her, or their Right, to the Principal and Intereſt Money thereby ſecured: All which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk and Treaſurer within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments, for which ſuch Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Six Pence, and no more; and which ſaid Book or Books ſhall and may, at all reaſonable Times, be peruſed and inſpected without any Fee or Reward; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the ſame, or any Monies thereon due; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money.

Entries to be made of all Aſſignments.

Clerk's Fee.

All Creditors deemed equal in Degree.

Former Creditors not to be prejudiced.

Provided always, That nothing in this Act contained ſhall extend, or be deemed to extend, to prejudice the prior Claim of ſuch Perſon or Perſons who hath or have already advanced any Sum or Sums of Money on the Credit of ſuch Tolls.

Application of Monies.

Provided always, and be it further enacted by the Authority aforeſaid, That the Tolls to be collected at any Turnpike or Toll-bar now erected, or by the Authority of this Act, or the ſaid former Acts, hereafter to be erected on the South Side of Newark aforeſaid, or the Monies to be borrowed on the Credit thereof, ſhall, after Payment of the neceſſary Charges of collecting and other incident Expences, be laid out and applied in the Repair of ſuch Part of the ſaid Road as lies betwixt Muſkham Bridge, in the ſaid County of Nottingham,

and

and Foſton Bridge aforeſaid; and that the Tolls to be collected at any Turnpike or Toll-bar, which may hereafter be erected by the Authority aforeſaid, betwixt Muſkham Bridge aforeſaid and the Town of South Muſkham, in the ſaid County of Nottingham, or the Monies to be borrowed on the Credit thereof, ſhall, after Payment of the neceſſary Charges of collecting, and other incident Expences, be laid out and applied in or towards the widening, altering, raiſing, repairing, and keeping in Repair, ſuch Part of the ſaid Road as lies between a certain Houſe or Place called Huggins's Houſe, in the ſaid County of Nottingham, and a certain Bridge called Newark Bridge, in the ſame County, for the more ſafe and commodious Paſſage in Time of Floods; and the Tolls to be collected at the Turnpike or Toll-bar erected, or hereafter to be erected by the Authority aforeſaid, on the North Side of Tuxford aforeſaid, and the Monies to be borrowed on the Credit thereof, ſhall, after Payment of the neceſſary Charges of collecting, and other incident Expences, be laid out and applied in the Repair of ſuch Part of the ſaid Road as lies betwixt Muſkham Bridge and Little Drayton aforeſaid.

Moiety of the Debts now owing how to be paid.

Provided alſo, That One Moiety of the Debt or Money now due and owing on the Credit of the Tolls granted by the ſaid former Acts, or either of them, ſo far as the ſame relate to the Road from Foſton Bridge to Little Drayton aforeſaid, and alſo One Moiety of the Intereſt thereof, ſhall be paid out of the Tolls collected or to be collected at the Turnpike or Toll-bar now erected, or by the Authority of this Act or the ſaid former Acts hereafter to be erected, on the South Side of Newark aforeſaid; and that the other Moiety of the ſaid Debt or Money, and Intereſt thereof, ſhall be paid out of the Tolls collected or to be collected at the Turnpike or Toll-bar now erected, or by the Authority of this Act or the ſaid former Acts hereafter to be erected, on the North Side of Tuxford aforeſaid; but that the Whole of the ſaid Tolls ſhall ſtand, be, and remain chargeable with the Payment of the ſaid Debt, and the Intereſt thereof, until the ſame, and every Part thereof, ſhall be paid and diſcharged.

Writings to be without Stamps.

Provided alſo, and be it enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatſoever, under the Hand and

and Seal, or Hands and Seals, of, or only ſigned by, any Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or exhibited before them, relating to the Execution of the ſaid former Acts in relation to the Road from Foſton Bridge to Little Drayton, or this Act, ſhall be chargeable with any Stamp Duty whatſoever.

Penalty on permitting, or going through private Paſſage, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Mule, Aſs, Carriage, or Cattle, paſs through any Land, Ground, or Hereditaments, lying near any Turnpike erected or to be erected between Foſton Bridge and Little Drayton aforeſaid, by virtue of the ſaid former Acts or this Act (the ſame not being a publick Highway;) or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike with any Horſe, Mule, Aſs, Carriage, or Cattle, or ſhall otherwiſe, by means of falſe Pretences, avoid the Payment of any of the ſaid Tolls, or of any Part thereof; every Perſon, ſo offending in each of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings, to be recovered, levied, and applied, in ſuch Manner as other Penalties are in and by the ſaid recited Acts directed to be recovered, levied, and applied.

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

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors appointed, or to be appointed, by any Five or more of the ſaid Truſtees, and ſuch other Perſons as ſhall be employed by ſuch Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, Furze, Gorſe, Heath, Stones, Flints, Chalk, Gravel, Sand, or other Materials, proper for repairing the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, out of and from any Waſte Ground or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the ſaid Road lies, or in any neighbouring Parish, Town, or Place, within Six Miles of any Part of the ſaid Road, without paying any thing for the ſame; ſuch Surveyors or other Perſons filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle: And alſo by Order of the ſaid Truſtees, or any Five or more of them, to ſearch for, dig, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk,

without paying for the ſame,

levelling the Pits, &c.

Materials may be taken from private Grounds;

Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Ground, Common, River or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable. making Satisfaction to the Owners.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of holding any Place of Truſt or Profit under this or the ſaid former Acts, who ſhall keep any Inn, Alehouſe, or other publick Houſe of Entertainment, or ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail. Victuallers, &c. not to hold Places of Profit.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for ſuch Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Parts of the ſaid Road (ſuch Grounds reſpectively not being the Ground whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) to be made uſe of as a publick Highway whilſt the old Road is repairing or widening; making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid Truſtees, or any Five or more of them; but no Satisfaction Surveyors may make a temporary Road; making Satisfaction to the Owners.

faction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Moor or Waſte Grounds.

Truſtees may contract with Perſons for the Purchaſe of Lands, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall be, and are hereby fully impowered to divert, turn, or alter, the Courſe or Path, of any Part or Parts of the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, through or over any Common or Waſte Ground, without making any Satisfaction for the ſame; and alſo through any private Grounds or Hereditaments, making Satisfaction to the Owners of and Perſons intereſted therein for the Damage they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful to and for the ſaid Truſtees, or any Seven or more of them, to contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the diverting, turning, or altering, the Courſe or Path of any Part or Parts of ſuch Road through ſuch Lands or Hereditaments: And it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and alſo for all Perſons whatſoever ſeiſed of, intereſted in, or intitled to any ſuch Lands or Hereditaments in Mortmain or under any Eccleſiaſtical Right, and alſo for all Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons whatſoever, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments under any Manner of Right or Title whatſoever, to contract with the ſaid Truſtees, or any Seven or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Seven or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid, or to contract for and give in Exchange any Part or Parts of the ſaid new Road or Path ſo to be made as aforeſaid, for the ſaid old Road or Path ſo to be diverted or altered as aforeſaid, or for any Part or Parts

Bodies Politick, &c. impowered to treat.

Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed in Mortmain or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of and in purſuance of this or the ſaid former Acts: And if any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Perſons ſeized or intitled in Mortmain or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left, in Writing, at the Dwelling Houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is intended to be diverted, turned, or altered, ſhall, for the Space of Twenty Days next after ſuch Notice given or left, 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 every ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damage and Recompence to be inquired into, and aſcertained by a Jury of Twelve indifferent Men of the County in which ſuch Lands or Hereditaments do lie; and in order thereto the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter;) and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View, or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes: And after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence,

Perſons neglecting to treat, &c.

Jury to ſettle the Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, and Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, as well as all other Perſon and Perſons whomſoever: And for the ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County in which ſuch Lands or Hereditaments, ſo to be taken, do lie, requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall and are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men, either of the Standers-by, or that can ſpeedily be procured, to attend that Service, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn; and the ſaid Truſtees, or any Seven or more of them, acting in the Premiſſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default

Verdict of the Jury to be final.

Truſtees may iſſue their Warrant to Sheriff, &c. to impanel a Jury.

Jurors may be challenged.

fault in the Premiſſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this or the ſaid former Acts; and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be examined, or to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner, as the Penalties and Forfeitures are by this or the ſaid former Acts directed to be levied and applied; ſo that no ſuch Fine be more than Five Pounds, nor leſs than Forty Shillings, on any One Perſon for One Offence.

Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing by virtue of this or the ſaid former Acts, or out of the Money borrowed or to be borrowed on the Credit thereof, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons, authorized by Writing under the Hands of the ſaid Truſtees, or any Seven or more of them, to divert or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, or Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Parts of the ſaid Road as ſhall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Road by virtue of this Act, ſhall be for ever thereafter, to all Intents and Purpoſes, a Common Highway, and ſhall be repaired and kept in Repair, in ſuch Manner as the Road hereby or by the ſaid former Acts, ſo far as the ſame relate to the Road between Foſton Bridge and Little Drayton aforeſaid, is appointed to be repaired, or by this or any other Law to be amended; and from thenceforth all Parties and Perſons whatſoever, ſhall be diveſted of all Right and

Money allowed for Lands, &c. how to be charged and tendered.

Old Road to to be ſold.

Title to ſuch Lands and Hereditaments; and after any ſuch new Road ſhall be completed, the Lands conſtituting the former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road does not lead, ſhall be veſted in, and may be ſold and conveyed by, the ſaid Truſtees, or any Seven or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale, ſhall be applied to the Repair of the Road between Foſton Bridge and Little Drayton aforeſaid, by the ſaid former Acts, and by this Act directed to be repaired; or the ſaid Truſtees, or any Seven or more of them, may, and are hereby impowered, to give in Exchange any Part or Parts of the Lands ſo conſtituting the former Road, for any Part or Parts of ſuch new Road; but this Act ſhall not extend to the taking down any Dwelling-houſe or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a Houſe, without the Conſent of the Owner or Proprietor thereof; any thing herein or in the ſaid former Acts contained to the contrary notwithſtanding.

Truſtees not to act where intereſted.

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

The Courſe of the new intended Road.

Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Nine or more of them, ſhall think proper to divert or alter the preſent Courſe of the Road from Newark Bridge, to Huggins's Houſe, the ſame ſhall be carried over and through certain incloſed Grounds now in the reſpective Occupations of Morris, Ridgell, Wood, and Hanſer, to the preſent Road leading from Newark Bridge to Muſkham Bridge, and from thence over and through certain incloſed Grounds in the reſpective Occupations of Cook, Stephenſon, Robert Forſter, Ridgell, Graves, Clay, Driver, and Langſdale, to the ſaid Road leading from Newark Bridge, to Muſkham Bridge, and from thence over and through a certain Cloſe in the Occupation of Burton, to Muſkham Bridge, and from thence over and through certain incloſed Grounds now in the reſpective Occupations of Wells, Eggleſton, and Huggins, to the preſent Turnpike Road, or otherwiſe, that the ſame ſhall be carried from Newark Bridge aforeſaid, to the Firſt White Poſt in the preſent Turnpike Road

Road leading from Newark aforeſaid, and from thence on the Eaſt Side of certain incloſed Grounds in the reſpective Occupations of Morris, Ridgell, Wood, and Hanſer, to the high Grounds belonging to the Right Honourable George Sutton, commonly called Lord George Sutton, and over and through the ſaid high Grounds, to ſome Place within the Diſtance of One hundred and thirty two Yards, or thereabouts, from Crankley Bridge, and from thence croſs the ſaid Turnpike Road leading from Newark aforeſaid, over and through a certain Cloſe in the Occupation of Langſdale, and from thence on the South Side of Crankley Lane, as near to the ſaid Lane as may be, keeping the high Grounds to ſome Place within the Diſtance of Forty four Yards, or thereabouts, from the End of Crankley Lane, and from thence croſs the ſaid Turnpike Road from Newark over and through a certain incloſed Ground in the Occupation of Burton, to Muſkham Bridge, and from the ſaid Bridge over and through certain incloſed Grounds in the reſpective Occupations of Wells, Eggleſton, and Huggins, to the Turnpike Road from Newark aforeſaid.

Certain Proviſions to be obſerved according to the ſeveral Plans purſued.

Provided always, That in caſe the ſaid Road ſhall be carried according to the firſt Plan or Courſe herein before-mentioned, the Lands and Grounds on each Side of the new intended Road ſhall be firſt fenced off and guarded with proper Fences and Ditches: And provided alſo, that the Piers and other Works of the Arches, to be built for the Purpoſe of the ſaid new Road, ſhall be ſunk One Foot below the Surface of the adjoining Grounds for the Convenience of carrying off the Waters: And provided alſo, that all the Materials to be made uſe of for the making and Repair of the new intended Road ſhall be taken from the old Road and the Gravel Pits now in Uſe: And provided alſo, that proper Roads and other Conveniencies ſhall be made for the Uſe and Paſſage of the Owners and Occupiers of the adjacent Grounds.

Proviſo.

Provided always, That in caſe the ſaid Road ſhall be carried according to the Second Plan or Courſe herein before-mentioned, no Works or Banks ſhall be erected or made that will in any-wiſe raiſe the Water upon the adjacent Grounds to the Damage of the Owners or Occupiers thereof.

Perſons chargeable w th the Repairs of Highways, to continue ſo.

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees,

Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which hath been given or are liable to the amending or maintaining any Part or Parts of the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, or any Bridge or Bridges therein, ſhall ſtill remain liable and chargeable to the Repair thereof in ſuch Manner as they were before the making of this Act; and that all Inhabitants of the Townſhips, Pariſhes, or Places, between Foſton Bridge and Little Drayton aforeſaid, and all other Perſons liable to perform the Work commonly called Statute-work upon the ſaid Road, ſhall remain ſubject to the Performance of ſuch Work, except otherwiſe directed by this or the ſaid former Acts: And every Perſon who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, ſhall be deemed to keep a Team for every Fifty Pounds per Annum ſo held and occupied; and ſhall be liable to perform ſuch Statute-work as Perſons keeping Teams are obliged by Law to do.

Perſons renting 50 *l. per Ann.* deemed Team-holders.

Provided always, and be it further enacted, That the Inhabitants of the Towns of Newark and Great Markham, in the ſaid County of Nottingham, ſhall not, nor ſhall any of them, at any Time during the Continuance of this preſent Act, or the ſaid former Acts, 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 or upon any Part of the ſaid Road lying between Foſton Bridge and Little Drayton aforeſaid; any Law, Statute or Statutes to the contrary notwithſtanding.

Newark and *Great Markham* to do only One Day's Statute-work.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may cauſe the ſaid Road between Little Drayton and Foſton Bridge aforeſaid to be meaſured, and Stones or Poſts to be ſet up in, upon, or near, the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or any Stone or Stones, Poſt or Poſts, already ſet up, or obliterate any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted, upon Oath, by One or more credible Witneſs or Witneſſes, or by his or her own Con-

Road to be meaſured, and Mile-ſtones erected.

Penalty on defacing Mile-ſtones.

Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward;) every ſuch Perſon ſo offending ſhall forfeit the Sum of Ten Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein, or by the ſaid former Acts, directed to be applied: And in caſe ſuch Penalty ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Houſe of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor leſs than Twenty Days, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable, or other Peace Officer, who ſhall convey ſuch Offender before any Juſtice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalty on drawing Timber, &c. otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road between Foſton Bridge and Little Drayton aforeſaid, any Tree or Piece of Timber, or any Stone (Millſtones excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof; every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Charges of this Act how to be paid.

And be it further enacted by the Authority aforeſaid, That One Moiety of the Charges and Expences of obtaining and paſſing of this Act ſhall, as ſoon as conveniently may be, be paid out of the Tolls collected or to be collected at the Turnpike or Toll-bar now erected, or by the Authority of this Act, or the ſaid former Acts, hereafter to be erected, on the South Side of Newark aforeſaid, or out of the Monies to be borrowed on the Credit thereof; and that the other Moiety of the ſaid Charges and Expences of obtaining and paſſing this Act ſhall, as ſoon as conveniently may be, be paid out of the Tolls collected or to be collected at the Turnpike or

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Toll-bar now erected, or by the Authority of this Act, or the ſaid former Acts, hereafter to be erected on the North Side of Tuxford aforeſaid, or out of the Monies to be borrowed on the Credit thereof.

Treaſurer to give Security.

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

Proceedings to be entered in Books.

And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, or any Five or more of them, in the Execution of the Powers hereby, or by the ſaid former Acts, 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; which ſaid Book or Books, and alſo the Book or Books directed to be kept for regiſtering the ſaid Mortgages, Aſſignments, and Tranſfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Actions, Suit or Suits, ſhall be commenced againſt any Perſon or Perſons for any Thing done or to be done by virtue or in purſuance of this or the ſaid former Acts, ſuch Actions and Suits, and every of them, ſhall be commenced within the Space of Six Calendar Months next after the doing the Thing or Matter for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried, in the County or Place where the Cauſe of Complaint ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this or the ſaid former Acts, or any of them, and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this or the ſaid former Acts, or ſome or One of them: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, the Jury ſhall

General Iſſue.

find

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 diſcontinue his, her, or their Action or Suit, or if upon any Demurrer or Demurrers Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedies for recovering the ſame as any Defendant or Defendants may have for his or their Coſts in other Caſes of the Law. Treble Coſts.

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

FINIS.