ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xl.

An Act for managing and repairing the Turnpike Road leading from the Eastern Side of a certain Bridge called *Spittle Hill Bridge* over *Moorgate Beck* in the Parish of *Clarborough* in the County of *Nottingham* to *Littleborough Ferry* in the same County. [28th *May* 1852.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road leading from the Eastern Side of a certain Bridge called* Spittle Hill Bridge *over* Moorgate Beck *in the Parish of* Clarborough *in the County of* Nottingham *to* Littleborough Ferry *in the same County:* And whereas in pursuance of the said Act the Trustees acting by virtue thereof have made and completed the Road thereby authorized to be made: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two: And whereas there is a large Sum of Money due to the Treasurer of the said Trust, and considerable Sums of Money

5 G. 4. c. 57.

have been advanced upon the Credit of the Tolls authorized to be taken upon the said Road, which Money still remains owing, and such Money cannot be paid off or the Interest thereon discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Recited Act repealed, and this Act to be put in force.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put in execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament or in legal Instruments it shall be sufficient to use the Expression "The *Retford and Littleborough* Turnpike Road Act, 1852."

All Arrears due under recited Act to vest in Trustees under this Act.

III. That all Monies due to, and all Property, Real or Personal, Books, Accounts, Papers, and Writings, and all Choses in Action, vested in or belonging to the Trustees under the recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Debts owing in respect of Sums subscribed for Construction of Road to be extinguished.

IV. And whereas various Sums of Money, amounting in the whole to the Sum of Six thousand one hundred and thirty-four Pounds, were subscribed and paid by certain Persons, Landowners upon the Line of the said Road, or otherwise interested in the Construction of such Road, to be applied in or towards forming the said Road, but no Securities have been granted by the Trustees to such Persons or any of them, nor have any of such Sums or any Portion thereof respectively been repaid, nor has any Interest in respect of any such Sums been at any Time paid by the Trustees, and the same Sums are now wholly unclaimed: Be it enacted, That from and after the passing of this

Act

Act all such Sums of Money, and all Interest which may have accrued in respect thereof, shall be and are hereby extinguished, and shall cease to be a Charge or Charges upon the said Road or upon the Tolls thereof.

As to Debt due to the Treasurer.

V. And whereas there was due and owing to Sir *William Bryan Cooke* Baronet and Company, as the Treasurers of the Trustees, on the Thirty-first Day of *December* One thousand eight hundred and fifty-one, the Sum of Three thousand three hundred and ninety-nine Pounds and Twelve Shillings, being the Balance of the Sum of Five thousand three hundred and twelve Pounds Three Shillings and Sixpence advanced by them to the said Trustees for the Purpose of completing the said Road: Be it enacted, That such Sum of Three thousand three hundred and ninety-nine Pounds and Twelve Shillings shall be deemed and taken to be the total Amount due to such Treasurers on the Day aforesaid, and that all Interest, if any, which may have accrued due upon the Monies for the Time being due to such Treasurers, shall be deemed to be and are hereby extinguished, and shall not be a Charge upon the said Road or upon the Tolls thereof, and no Interest shall in future be claimable in respect of the said Sum of Three thousand three hundred and ninety-nine Pounds and Twelve Shillings.

Former Books to be Evidence.

VI. That all Books of Proceedings which have been kept by the Trustees acting in execution of the recited Act, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Appointment of Trustees.

VII. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Nottingham*, together with *Joseph Allison*, Sir *Charles Anderson* Baronet, *Henry Bagshaw*, *Samuel Barker*, *John Barrow*, *John Barrow* junior, *Thomas Francis Beckwith* Clerk, the Most Honourable *William John Bentinck* commonly called Marquis of *Titchfield*, the Honourable *Henry William Scott Bentinck* commonly called Lord *Henry Bentinck*, *Henry Beevor*, *James Bingham*, *Charles Sherard Burnaby*, *Henry Champion*, *George Chapman*, *John Clater*, *John Cottam*, *Henry Townley Daniels* Clerk, *Joseph Denman*, *Thomas Denman*, *Henry Dickinson* Clerk, *William Fisher*, *George Savile Foljambe*, *Francis Foljambe*, *Michael Hallings*, *Francis Hewgill* Clerk, *Charles Hodge* Clerk, *Richard Hodgkinson*, *Thomas Hodgkinson*, *Gervase King Holmes*, *John Holmes*, *Richard Huntsman*, *William Thomas Hurt* Clerk, *Henry Clarke Hutchinson*, *Richard Hutchinson* Clerk, *William Hutton*, *Thomas King* Clerk, *Saint George Kirke* Clerk, *William Mason*, *John Mee*, *William Mee*, *William Chapman Mee* Clerk, *John*

The Retford and Littleborough Turnpike Road Act, 1852.

John Cowper Mee, *John Mickle* Clerk, *George Motley*, *John Motley*, *Horatio Nelson*, *Christopher Nevill* Clerk, *Jacob Ogle*, *William John Pickin*, *John Roberts*, *Thomas Rose*, *Thomas Henry Shepherd* Clerk, *John Smith*, Sir *Richard Sutton* Baronet, *Charles Thorold*, *Edward Harcourt Harcourt Vernon*, *James Wagstaff*, *John Walker* of *Lound*, *John Walker* of the *Biggins*, *William Walker* of *West Retford*, *John Walker* of *Mattersey*, *Thomas Watson*, *Samuel White*, *Joseph White*, *Francis White* senior, *Henry Willoughby*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

VIII. That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

IX. That the said Trustees shall hold their First Meeting at the *White Hart* Inn in the Town of *East Retford* in the County of *Nottingham*, or at some other convenient Place in the Neighbourhood of the said Road, on the Twentieth Day of *November* One thousand eight hundred and fifty-two, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

X. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act is applicable.

XI. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the Eastern Side of a certain Bridge called *Spittle Hill Bridge* over *Moorgate Beck* in the Parish of *Clarborough* in the County of *Nottingham* to *Littleborough Ferry* in the same County.

Present Tolls continued for a certain Term.

XII. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid

paid at the Toll Gates, Toll Bars, or Chains to be continued or erected on or on the Sides of the said Roads, until the Thirtieth Day of *November* One thousand eight hundred and fifty-two.

Power to take Tolls.

XIII. That upon and after the said Thirtieth Day of *November* One thousand eight hundred and fifty-two it shall be lawful for the said Trustees to demand and take, at the several respective Toll Gates, Toll Bars, or Chains which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast (excepting an Ass) drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Calash, Gig, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Ass drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Calash, Gig, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or other such like Carriage, the Sum of Fourpence:

For every Horse or other Beast not exceeding Three drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast exceeding Three drawing any Waggon, Wain, or other such Carriage, the Sum of Sixpence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Twopence:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Dog or Goat drawing any Carriage or other Vehicle, the Sum of One Penny:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, the Sum of Two Shillings and Sixpence:

For every Drove of Oxen or other Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any less Number:

Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XIV. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected,

collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Number of Payments at each Turnpike, &c. limited.

XV. That no Person shall be subject to the Payment of Toll more than Twice in any One Day (the Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) for passing and repassing, with the same Horse, Beast, Carriage, or Cattle, through the same Toll Gate, Toll Bar, or Chain, except as herein-after mentioned, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll; and that no Person shall be liable to the Payment of any Toll or increased Charge by reason of his passing through any Side Gate or Side Bars or Chains erected or to be erected or set up by virtue of this Act upon or across any Lane or Road leading into or out of the said Road, through any of the Toll Gates, Toll Bars, or Chains erected or to be erected by virtue of this Act across any Part of such Road, beyond what he would be liable to pay if he had passed through any of the Toll Gates, Toll Bars, or Chains upon or across the said Road only.

No more than Two full Tolls to be taken on the whole Line of Road.

XVI. Provided also, That nothing herein contained shall extend or be construed to extend to empower the said Trustees or any Collector or Collectors to demand or take, for or in respect of the same Horse, Beast, Carriage, or Cattle, for passing or repassing at any Time or Times in any One Day, to be computed as aforesaid, through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than Two full Tolls, the Distance between each respective Place of Payment being at least Four Miles, except as herein-after is mentioned and provided for.

Stage Coaches, Postchaises, &c. to pay every Time of passing.

XVII. Provided always, That the said Tolls shall be payable for or in respect of all Horses drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, and of every Carriage propelled or moved by Steam or Machinery, conveying Passengers or Goods for Pay or Reward, licensed or not licensed, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid); and that the said Tolls shall be payable for or in respect of all Horses drawing any Postchaise or other Carriage, and of every Carriage moved or propelled by Steam or Machinery, travelling for Hire, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid), as often as a new Hiring thereof shall take place.

Respecting Toll Gates.

XVIII. That the several Toll Gates, Bars, Chains, and Toll Houses now standing and being upon the said Road or on the Sides thereof

thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Road or on the Sides thereof any Toll Gates, Bars, Chains, or Toll Houses, and to remove the present or any future Toll Gates, Bars, Chains, or Toll Houses, as they shall think proper. 9 G. 4. c. 77.

XIX. That all Monies which shall be received by the said Trustees by virtue of this Act upon the said Road shall be applied as follows; (that is to say,) Application of Monies.

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in erecting, altering, and repairing Toll Gates, Toll Bars, Chains, and Toll Houses, and in paying (if necessary) the Wages of Toll Collectors, and in paying the Officers to be employed in the Execution of this Act in any Capacity other than that of Toll Collector, and in paying the other Expenses attending the Management of the said Road; but the Amount to be so applied, exclusive of the Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, Chains, and Toll Houses, and of the Wages of such Toll Collectors, shall not exceed Thirty Pounds in any One Year:

Thirdly, in paying and discharging the Interest at the Rate of Four Pounds for the Hundred Pounds by the Year, and at no higher Rate, upon or in respect of the Principal Sums of Money mentioned in the Schedule to this Act which are now owing upon and secured by Mortgage of the Tolls authorized to be taken by virtue of the Act hereby repealed, or so much thereof respectively as shall for the Time being be due and owing:

Fourthly, in appropriating the Sum of Fifty Pounds *per Annum* in and towards the Liquidation of the said Principal Sums of Money mentioned in the Schedule to this Act, or so much thereof respectively as shall for the Time being be due and owing, rateably and in proportion to their respective Amounts:

Fifthly, in appropriating the Sum of Fifty Pounds *per Annum* in and towards maintaining, improving, and keeping in repair the said Road, and putting this Act into execution with reference thereto:

Lastly, the Surplus, after answering the Purposes aforesaid, shall be applied in and towards the Liquidation of the Principal Sum for the Time being owing to the said Sir *William Bryan Cooke* Baronet and Company, as such Treasurers as aforesaid.

XX. That

Mortgagees to take possession for Payment of Interest only.

XX. That whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid, at the Rate herein-before mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due at the Rate herein-before mentioned upon all the said existing Mortgages, without Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest upon such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance, if any, remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Not to borrow more Money.

XXI. That from and after the passing of this Act no Money shall be borrowed on the Security or Credit of the Tolls arising from, upon, or in respect of the said Road.

No Tolls to be taken or laid out by Trustees in Towns.

XXII. That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

Roads not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

XXIV. That

XXIV. That this Act shall commence on the Thirty-first Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow. Term of Act.

XXV. That in this Act the following Words or Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

The Word "Person" shall be understood to include Corporation:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act.

The SCHEDULE referred to in the foregoing Act.

Names of Mortgagees.	Amount of Principal Sums due.
	£
Henry Hutchinson Clarke, Esquire, as Trustee for the Children of Reverend Richard Hutchinson - - - -	200
John Sugden, as the Executor of the late William Sugden -	500
The Reverend Saint George Kirke - - - -	300
	£1,000

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