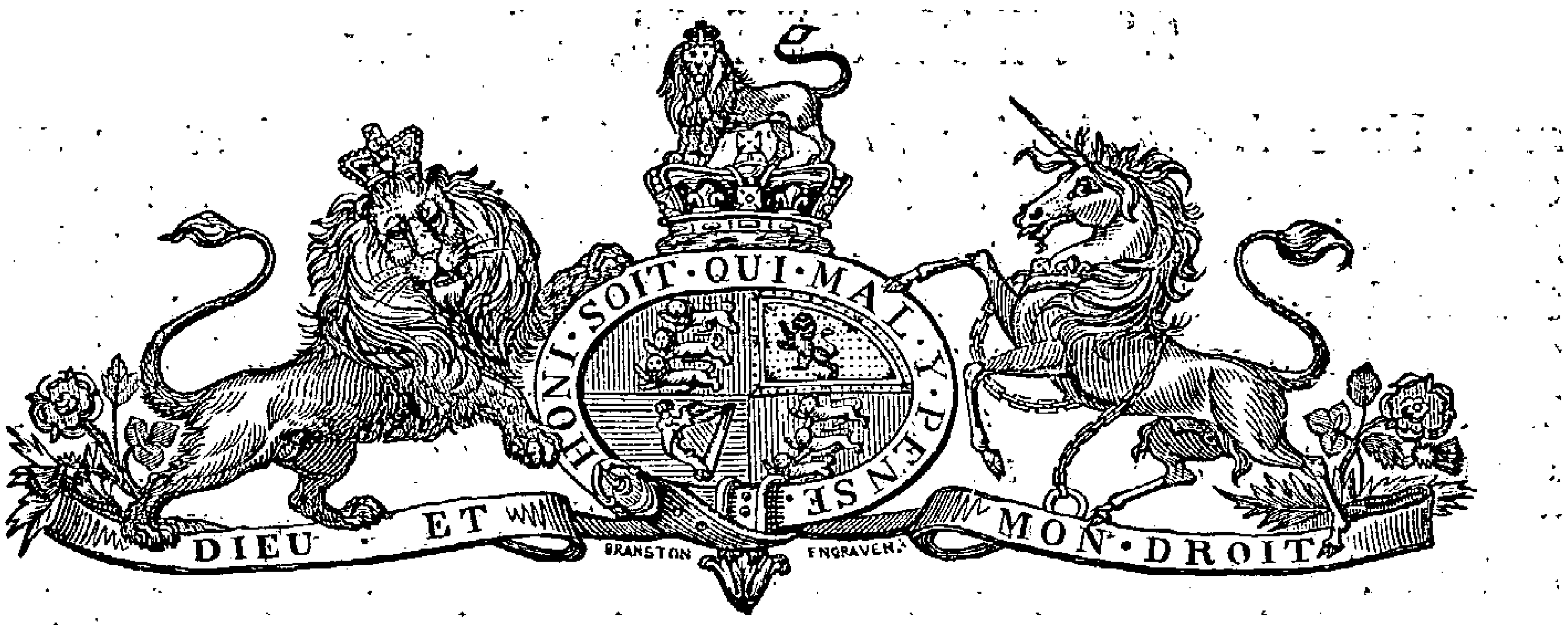


ANNO SECUNDO

VICTORIÆ REGINÆ.

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Cap. XV.

An Act for repairing and maintaining the Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, in the County of *Nottingham*. [14th *May* 1839.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road* 10 G.3. c.92.
from Worksop *to the Turnpike Road at* Kelham, *and from* Debdale Hill *to the Great Northern Road at* South Muskham, *in the County of* Nottingham: And whereas another Act was passed in the Thirty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act* 31G.3.c.132.
passed in the Tenth Year of the Reign of His present Majesty, for repairing and widening the Road from Worksop *to the Turnpike Road at* Kelham, *and from* Debdale Hill *to the Great Northern Road at* South Muskham, *in the County of* Nottingham: And whereas another Act was passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act* 52 G.3. c.90.
for enlarging the Term and Powers of Two Acts of the Tenth and Thirty-first Years of His present Majesty, for repairing the Road from Worksop *to the Turnpike Road at* Kelham, *and from* Debdale Hill *to the Great Northern Road at* South Muskham, *in the County of* Nottingham, *and the Road branching out of the said Road at or*

near Kneesal, *and leading to the Great North Road at or near* Carlton-upon-Trent, *all in the same County:* And whereas a considerable Debt is owing upon the Credit of the Tolls granted by the said recited Acts, which cannot be paid off, nor the Interest thereof be discharged, nor can the said Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, be sufficiently amended, improved, and kept in repair, unless the Term granted by the said recited Acts be continued, and the Powers and Provisions thereof are amended and enlarged, and the Tolls increased or altered: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Acts were repealed, and other Provisions made for the Maintenance and Repair of so much of the Road comprised in the said Acts as leads from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham:* 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, That upon the Day of the Commencement of this Act the said recited Acts passed in the Tenth, Thirty-first, and Fifty-second Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to be put in execution.

II. And be it further enacted, That this Act shall commence and take effect and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, altering, widening, improving, and keeping in repair the present Turnpike Road leading from *Worksop* in the County of *Nottingham*, through the Towns of *Budby*, *Ollerton*, *Wellow*, *Ompton*, and *Kneesal*, to the Turnpike Road at *Kelham* in the same County, and also the present Turnpike Road leading from the first-mentioned Road at or near a Place called *Debdale Hill* in the Parish of *South Muskham* in the said County to the Place where the same joins the Great Northern Road at the Town of *South Muskham* aforesaid.

Trustees Names.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Nottingham*, together with *Jonathan Alderson*, *Joseph Allison*, *James Bailey*, *John Barber*, *Robert Hartshorn Barber*, *Edward Baxter*, *George Beardsall*, *Mordecai Binney*, *John Black*, *Joseph Blandford* Clerk, *Josiah Blandford* Clerk, *John Andrew Brackenbury*, *John Bradley*, *Samuel Ellis Bristowe*, *William Broadhurst*, *Ninan Smith Brown*, *Saint John Cartwright*, *William Champion*, *John Clarke* Clerk, *George Clark*, Sir *William Bryan Cooke*, *John Cooke*, *Edward Cox*, *Thomas Crofts*, *Thomas Leeson Cursham* Clerk, *Samuel Curtis*, *Samuel Dethick*, *John Dethick*, *John Doncaster*, *Charles Doncaster*, *George Doncaster*, *George Downs*, *John Durham*, *John Durham* the younger, *Benjamin Eddison*, *John Eddison*, *Edwin Eddison*, *Henry Eddison*, *Benjamin Eddison* (*High Grounds*), *Charles Wastneys Eyre* Clerk, *C. Fletcher* Clerk, *George Savile Foljambe*, *John Foster*, *George Fox*, *Henry Frogson*, *Henry Gilbert*, *Richard Girdler*, *Edward Girdler*,

Girdler, *Robert Glossop*, *John Gordon* Clerk, *William Grafton*, *John Gravenor*, *William Gregory*, *William Johnson Gregory*, *John Hage*, *Peter Hancock*, *Charles Hancock*, *John Haskins*, *John Hickson*, *Richard Hodgkinson* the younger, *Samuel Hodgkinson*, *Samuel Hole*, *Samuel Hole* the younger, *Henry Hole*, *Henry Hollins*, *Charles Hollins*, *Francis Hooson*, *John Horncastle*, *John Horncastle* the younger, *Matthew Jackson*, *Charles Jackson*, *Nathan Jackson*, *Richard Keyworth*, *William Richard Knight*, the Honourable *Henry Pelham Fynes Clinton* commonly called Earl of *Lincoln*, *Joseph Lister*, *Henry Machin*, *Richard Mapson*, *Samuel Martin* Clerk, *John Miller*, *Richard Millward*, *Joseph Moore*, *William Moseley*, *John Moseley*, *George Motley*, *Thomas Oldham*, *Carey Outram*, *Richard Outram*, *John Pagdin*, *Edward Palling* Clerk, *George Parker*, *Francis Parker*, *Richard Parkinson*, *John Parkinson*, *Robert Pashley*, *Joseph Peatfield*, *Henry William Pickard*, *William John Pickin*, *William Francis Pickin*, *Roger Pocklington* Clerk, *William Presley*, *Richard Proctor* Clerk, *John Rogers*, *Theophilus Sampson* Clerk, *James Scott*, *John Shirt*, *John Joseph Shuttleworth*, *William Simpson*, *Francis Sissons*, *Francis Skelton*, *Jeremiah Whitehead Spurr*, *Thomas Stacye* Clerk, *John Stacye* Clerk, *John Staveley*, *Henry Sykes*, *John Taylor*, *William Taylor*, *Michael Wynn Thorold*, the Honourable *William John Cavendish Bentinck* commonly called Marquess of *Titchfield*, *John Toder*, *John Twells* Clerk, *William Wagstaff*, *James Wagstaff*, *Thomas Walker*, *Thomas John Walker*, *Richard Charles Ward*, *William Squire Ward*, *Charles Ward* Clerk, *James Ward*, *Samuel Watkins*, *Edward Wollet Wilmot*, *Willowes Wright*, *Charles Wright*, *Robert Wright*, *George Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into full and complete Execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees at their First or Second Meeting to be holden in pursuance of this Act to elect and appoint any Number of Persons not exceeding Three in the whole, being duly qualified, in addition to the Trustees above named, to be Trustees for the Purposes of this Act, and such Persons, when so elected and appointed, shall have the same Powers and Authorities as if they had been nominated and appointed Trustees in and by this Act.

First Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Hop Pole* Inn in *Ollerton* in the County of *Nottingham*, or at some other convenient House or Place on the Line of the said Road, on the Fourth *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act and the General Turnpike Acts in execution, and shall adjourn to and meet at such Time or Times, and such Place or Places on or near to the said Road, as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

VI. And

Power to continue Toll Gates.

VI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Turnpikes, Toll Bars, Toll Houses, Side Bars, Chains, and Weighing Machines now erected upon the said Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, when and where and as they shall judge proper, and from Time to Time to alter or take down, and re-erect or re-construct, or to discontinue and remove the same or any of them, as they the Trustees shall think proper.

Old Tolls to continue payable until the First Day of June next.

VII. And be it further enacted, That all and every the Tolls made payable under or by virtue of the said recited Acts, or other the Sums of Money agreed to be paid for or in respect of such Tolls, shall be paid and collected, and shall continue to be paid and collected, to the First Day of *June* inclusive next after the passing of this Act; and the said Trustees, and their Lessees, or any Persons under their Authority respectively, shall be entitled to demand and take, at every Turnpike, Toll Gate, Side Bar, or Chain now erected, or which shall be continued or hereafter be erected or placed by virtue of this Act, in, upon, across, or on the Sides of the said Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, or any Part thereof, such Tolls or other Sums of Money as aforesaid, and shall have all and every the same Powers, Remedies, and Means for recovering and enforcing the Payment thereof as they have or had previously to the passing of this Act; but the said Tolls or other Sums of Money shall be applied for such and the same Purposes as are herein expressed and declared with respect to the new Tolls hereby granted or authorized to be received; and so far as relates to such Tolls or Sums of Money now due or to become payable to the First Day of *June* next inclusive the said recited Acts are not hereby repealed.

Power to take Tolls.

VIII. And be it further enacted, That from and after the First Day of *June* next after the passing of this Act it shall be lawful for the said Trustees, or any Persons appointed or continued or to be from Time to Time appointed by them Collectors or Lessees of Tolls, or otherwise authorized by them for that Purpose, to demand and take, at each Toll Gate or Turnpike, Toll Bar, Toll House, Side Bar, and Chain which now is or hereafter shall be erected or standing across or at the Sides of the said Roads by this Act authorized or directed to be amended, widened, improved, maintained, and kept in repair, on each and every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), before any Horse or any other Beast or Cattle, or Carriage, shall be permitted to pass through any such Toll Gate or Toll Bar, Turnpike, Side Bar, or Chain, Tolls not exceeding the following; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Stage Coach, Break, Diligence, Omnibus, Sociable, Berlin, Landau, Vis-à-vis, Barouche, Curricle, Phaeton, Chaise, Chair, Calash,

Calash, Gig, Whiskey, Caravan, Van, Hearse, Litter, Car, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon, Wain, Cart, Carriage, or Dray having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches and a Half or upwards, any Sum not exceeding Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Carriage, or Dray having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches and of less Breadth than Five Inches and a Half, any Sum not exceeding Five-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Carriage, or Dray having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast laden or unladen and not drawing, any Sum not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Goats, Swine, Sheep or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number:

For every Carriage moving or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings:

And for every Dog drawing any Truck or other Carriage the Sum of Sixpence:

And in all Cases when there shall be a fractional Part of One Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; which said Tolls shall be and they are hereby vested in the said Trustees, and the same shall be applied in manner by this Act directed.

Tolls to be paid but once a Day.

IX. Provided always, and be it further enacted, That after the respective Tolls shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate, Turnpike, or Side Gate to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon the Production of a Ticket denoting such Payment on that Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls.

X. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to order or cause Three full Tolls, and no more, to be demanded and taken on the

the same Day (such Day to be computed as aforesaid) for all Cattle, Horses, and other Beasts, and Carriages, passing upon, across, or on the Side of the said Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*.

Stage Carriages travelling for Hire, &c. to pay each Time of passing and repassing.

XI. Provided always, and be it further enacted, That for and in respect of all Horses or Beasts drawing any Stage Coach, Omnibus, Car, Caravan, Diligence, Cart, Stage Waggon, or other Stage Carriage whatsoever, conveying Passengers or Goods for Payment, Hire, or Reward, and for and in respect of all Waggons, Coaches, and Carriages whatsoever drawn, impelled, or set or kept in motion by Steam, or by any other Power or Agency than being drawn by any Horse or Horses or Beast or Beasts of Draught, for which Toll shall have been paid for passing through any of the said Turnpikes, Toll Gates, Side Gates, Bars, or Chains, and which shall return on the same Day through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain; the Tolls hereby made payable shall be paid for every Time of passing or returning through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, in like Manner as if no Toll had before been paid thereat on the same Day: Provided always, that no further or additional Toll shall be payable in respect of any such Stage Coach, Omnibus, Car, Caravan, Diligence, Cart, Stage Waggon, or other Stage Carriage on account only of the Horses drawing the same having been changed.

Post Chaises to pay every Time a fresh hiring shall shall take place.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out for Hire and drawing any Post Chaise or other Carriage, for every Time of passing or returning through any of the said Turnpikes, Toll Gates, Side Gates, Bars, or Chains, as often as any new or fresh Hiring thereof shall be made or take place.

Application of Tolls and other Monies borrowed.

XIII. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts hereby repealed and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof or of any Acts at any Time heretofore repealed, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences incident to and attending the applying for and obtaining and passing of this Act; secondly, in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the former Acts hereby repealed, or which shall from Time to Time be borrowed and secured in pursuance of this Act; thirdly, in keeping in repair the Roads by this Act authorized to be amended, widened, improved, and kept in repair, and in erecting and repairing Toll Gates and Toll Houses, and in otherwise carrying this Act into execution; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the

Acts hereby repealed, and which may be hereafter borrowed and secured by virtue of this Act.

Tolls not to be laid out in repairing Streets of any Town.

XIV. And be it further enacted, That none of the Tolls authorized by this Act to be taken, nor any of the Monies raised by virtue of the said recited Acts or to be raised by virtue of this Act, shall be laid out or expended in the Repair, Lighting, or Improvement of any Part of the said Road in any Town the Streets whereof are directed to be repaired or lighted under the Authority of any Local Act of Parliament.

No more Money to be expended in repairing any Road than shall be collected thereon.

XV. Provided always, and be it further enacted, That no Money arising from any of the Tolls to be collected and taken under the Powers of this Act shall be applied in or towards the Repair of any Road by this Act authorized, unless some Turnpike, Toll Bar, or Chain, or Turnpikes, Toll Bars, or Chains, shall be erected and continued thereon, and Tolls collected thereat: Provided also, that no more Money shall be applied by the said Trustees in or towards the Repair of any such Road than shall be collected at such last-mentioned Turnpike, Toll Bar, or Chain, or Turnpikes, Toll Bars, or Chains.

Billet Lane to continue an Occupation Road only.

XVI. And whereas it is by the said last-recited Act enacted, that a certain Road, Way, or Lane commonly called *Billet Lane*, leading out of the said Turnpike Road to a Place within the Township of *Wellow* called *Wellow Green*, should thenceforth be used only as an Occupation Road, and in consideration thereof a certain Exemption from Toll was granted as therein mentioned; be it therefore enacted, That the said Road, Way, or Lane shall continue to be used only as an Occupation Road for all Occupiers of Lands, Tenements, or Hereditaments within the Parish of *Wellow* aforesaid, and shall not be used as a public Road or Way, and that no Toll shall be demanded or taken at the Gate or Toll Bar erected across the said Turnpike Road commonly called *Wellow* Toll Bar from any Person or Persons residing within the said Parish, and being an Occupier or Occupiers of Lands situate, lying, and being within the Parish of *Wellow* aforesaid, in respect of any Horses, Cattle, Carts, or Carriages passing through the same Gate or Toll Bar towards or returning from *Boughton* in the said County of *Nottingham*, except only for the Carriage of Timber, which shall be and remain liable to the Payment of Tolls as heretofore.

For preventing Drains, &c. being allowed to run across the Roads.

XVII. And whereas the Occupiers of adjacent Houses, Buildings, and Lands, sometimes, to the great Damage of the Roads, suffer Water, Filth, and other offensive Matter to run or flow from the said Houses, Buildings, and Lands into or upon the said Roads; be it therefore enacted, That in case any Occupier of any House, Building, Erection, Lands, or Premises adjacent to the said Roads shall not, within Three Days after receiving Notice from the said Trustees, their Surveyor or Agent, stop any Water, Filth, Dirt, or other offensive Matter or Thing from running or flowing into or upon the said Roads or Footpaths, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and that each Day of the Continuance of such Nuisance after the Expiration of the said Three Days shall be deemed

deemed and construed to be a separate Offence, and be punishable accordingly.

Rule for Construction of certain Expressions in this Act.

XVIII. And be it further enacted, That wherever in this Act any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons or Things as well as one Person or Thing, and Females as well as Males, and any Word or Words importing the Plural Number shall include one Person or Thing as well as several Persons or Things, unless it be otherwise specially directed or provided for.

Public Act.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement and Continuance of Act.

XX. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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