

Mansfield and Worksop Road Act, 1857.

whereas the Objects of this Act cannot be attained 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):

Short Title. I. This Act may be cited for all Purposes as "*Mansfield and Worksop Road Act, 1857.*"

Interpreta-
tion of
Terms.

II. In this Act the following Words and Expressions have the following Meanings, unless excluded by the Context or Subject Matter; (that is to say,)

The Expression "the Road" means the Road to be maintained under this Act:

The Expression "the Trustees" means the Trustees from Time to Time acting in the Execution of this Act:

The Word "Toll-gate" means and includes all Toll-gates, Turnpike Bars, and Chains from Time to Time set up upon, across, or by the Side of the Road, or across any Highway or other Carriageway, or Bridleway communicating therewith:

The Word "Carriage" means and includes all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phaetons, Cars, Gigs, Taxed Carts, and other Vehicles, by whatever Names known respectively, adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised in the Word "Cart" as employed in this Act:

The Word "Cart" means and includes all Carts, Waggon, Wains, Vans, Caravans, Drays, Timber Carriages, Steam Engines, and other Vehicles, by whatsoever Names known respectively, or adapted or used for the Conveyance of heavy Articles:

The Expression "flat Wheel" means a Wheel with a Tire the Measure of which taken across the Middle of the Axle at the Inside next to the Cart is equal to or not more than One Twelfth of the Breadth of the Tire greater or less than the Measure of the Tire taken across the Middle of the Axle at the Outside, and the Tire Nails (if any) countersunk, and no Tire Nail Head standing above the Face of the Tire, and which Wheel, when rolling on a flat Surface, bears equally thereon throughout the whole Breadth of the Tire.

Commence-
ment and
Term of
Act.

III. This Act shall commence with the First Day of *November* One thousand eight hundred and fifty-seven, and shall continue for the Term of Twenty-one Years from that Day inclusive, and thenceforth to the End of the then next Session of Parliament.

IV. The

Mansfield and Worksop Road Act, 1857.

IV. The Act shall be put into execution for the Purpose of discharging the Debts specified in the Schedule hereto and the Interest thereon, and for maintaining, repairing, and improving the Road from the upper Part of *Leeming Lane* in the Town of *Mansfield*, opposite to the End of *Bath Lane*, through the Parishes, Townships, or Places of *Mansfield*, *Mansfield Woodhouse*, *Warsop Cuckney*, *Norton*, *Welbeck*, *Edwinstowe*, *Carburton*, and *Worksop*, to the Turnpike Road between *Worksop* and *Kelham*, at or near to the Corner of *Worksop Brecks*, all in the County of *Nottingham*, and the Road shall be called "the *Mansfield and Worksop Turnpike Road*."

Act to be executed for Discharge of Debts and Maintenance of the Mansfield and Worksop Turnpike Road.

V. All Her Majesty's Justices of the Peace from Time to Time acting for the County of *Nottingham*, together with *James Appleton* Clerk, *Robert Hartshorn Barber*, *John Beeley*, *William Brodhurst*, *John Edward Brodhurst*, *Henry Brodhurst*, *Thomas Langley Beardsall*, *Henry Beevor*, *John Bowett*, *Thomas Bowett*, *Evelyn Boothby* Clerk, *Edward Bunting*, *William Champion*, *Thomas Cursham* Clerk, *John Champion*, *Edward Chaloner*, *Thomas Clarkson*, *John Dethick*, *John Eddison*, *Henry Eddison*, *George Savile Foljambe*, *Francis John Savile Foljambe*, *Sir Henry Fitzherbert* Baronet, *Richard Henry Fitzherbert*, *Alleyne Fitzherbert* Clerk, *William Gregory*, *Richard Fleming Hartley* Clerk, *John Horncastle*, *John Hopkinson*, *John Haskins*, *Henry Heming*, *Richard Hodgkinson*, *William Hodgkinson*, *George Hudson* Clerk, *Henry Hollins*, *Edward Lamb* Clerk, the Honourable *Henry Pelham Alexander Clinton*, commonly called Earl of *Lincoln*, *Samuel Martin* Clerk, *John Miller*, *William Martin*, *Kilton*, *Charles Neale*, *Richard Owtram*, *Robert Owtram senior*, *Robert Owtram junior*, *Henry Owtram*, *William Presley*, *Richard Parsons*, *William Peck*, *Francis Roe*, *John Robert Ramsden*, *John Stacye* Clerk, *William Senior Salman* Clerk, *Charles James Whittaker Smith* Clerk, *James Salmand*, *James William Scott* Clerk, *Henry Simpson*, *John Joseph Shuttleworth*, *Thomas Walker*, *Willowes Wright*, *Samuel Watkins*, *Buchan Warren Wright* Clerk, *William Wilkinson*, *Matthew Wilson*, *Thomas Wright Watson*, *Henry Edward Watson*, *Bernard Edward Watkins* Clerk, *Thomas Woollaston White junior*, and their Successors, being respectively duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for executing this Act.

Appointment of Trustees.

VI. On the Commencement of this Act the recited Act of the Third Year of *George the Fourth* shall be repealed.

Recited Act repealed.

VII. All Lands, Buildings, Toll Gates, Materials, Tools, Apparatus, Books, Accounts, Deeds, Papers, Writings, and other Things, and all Choses in Action, respectively vested in or belonging to the Trustees under the recited Act, and all Moneys due and to become due

Property held under repealed Act vested in the Trustees.

Mansfield and Worksop Road Act, 1857.

due to them, shall immediately on the Commencement of this Act be vested in and belong to the Trustees.

General
Saving of
Rights under
repealed
Act.

VIII. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if this Act were not passed, and the Repeal of the recited Act and this Act shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively, and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the Trustees under the recited Act.

Actions not
to abate, &c.

IX. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the recited Act before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Trustees in the same Manner to all Intents as if this Act were not passed, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Contracts,
&c. pre-
served.

X. Notwithstanding the Repeal of the recited Act, and subject to the Provisions of this Act, all Purchases, Sales, Leases, Securities, and Contracts before the Commencement of this Act made under the recited Act, or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Trustees as if the same had been made by, to, or with respect to them instead of the Trustees under the recited Act, and may be proceeded on and enforced in the like Manner to all Intents as if the Trustees had been party or privy thereto, or referred to therein, instead of the Party actually party or privy thereto or referred to therein.

Debts due
to and by
Trustees to
be paid to
and by them.

XI. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, all Persons who immediately before the Commencement of this Act owed any Money to the Trustees under the recited Act, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Trustees, and all Moneys which immediately before the Commencement of this Act were owing by or recoverable from the Trustees under the recited Act, or for the
Payment

Mansfield and Worksop Road Act, 1857.

Payment of which they were or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Trustees.

XII. Notwithstanding the Repeal of the recited Act, all Documents, Books, and Writings by the recited Act directed or authorized to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly. Books to be Evidence.

XIII. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Trustees until he be removed from the Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act. Officers continued.

XIV. The Trustees shall hold their First Meeting under this Act at "the *Red Lion Inn*" in *Worksop*, or at some other convenient Place in the Neighbourhood of the Road, on the Third *Monday* after the Commencement of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Places in the Neighbourhood of the Road, and at such Times, as they think proper. First and other Meetings of Trustees.

XV. The Trustees from Time to Time may appoint Committees of their own Number to execute any of the Purposes of this Act according to such Instructions and Regulations as the Trustees may at any Meeting from Time to Time determine, and may prescribe the Quorum of every such Committee, and every such Committee may proceed and act according to their Appointment, but shall always be accountable to the Trustees according to the Instructions and Regulations so determined. Committees of Trustees.

XVI. The several Toll Gates which, on the Commencement of this Act, are upon, across, or at the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating therewith, shall be continued until removed by Order of the Trustees. Existing Toll Gates.

XVII. Notwithstanding the Repeal of the recited Act the several Tolls thereby granted and made payable shall be paid at the Toll Gates belonging to the Trustees until the End of the Year One thousand eight hundred and fifty-seven. Tolls under recited Act to be taken till the End of 1857.

[Local.]

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XVIII. On

Mansfield and Worksop Road Act, 1857.

Tolls.

XVIII. On and after the First Day of *January* One thousand eight hundred and fifty-eight the Trustees may demand and take, at their several Toll Gates, Turnpikes, Bars, and Chains from Time to Time continued or provided under this Act upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating with the Road, such ordinary Tolls as the Trustees at their Meetings from Time to Time determine; not exceeding the Sums following; to wit,

For every Horse, Mule, or other Beast, excepting an Ass, drawing any Carriage, Sixpence:

For every Horse, Mule, or other Beast, excepting an Ass, drawing any Cart (other than a Timber Carriage or Timber Drag), if all the Wheels are flat Wheels:

If the Tire of any Wheel is in any Part of less Breadth than Four Inches and a Half, Sixpence;

If the Tire of every Wheel is throughout of the Breadth of Four Inches and a Half, or upwards, Fourpence;

If all or any of the Wheels be of any other Sort, Eightpence:

For every Ass drawing any Carriage or Cart, One Half the Tolls made payable for a Horse so drawing:

For every Horse, Mule, or other Beast drawing any Timber Carriage or Timber Drag, if all the Wheels are flat Wheels:

If the Tire of any Wheel is in any Part of less Breadth than Four Inches and a Half, One Shilling;

If the Tire of every Wheel is throughout of the Breadth of Four Inches and a Half, or upwards, Ninepence;

If all or any of the Wheels be of any other Sort, One Shilling and Threepence:

For every Wheel of every Carriage or Cart not drawn by any Beast, but propelled by Steam Power or by any other Means:

If all the Wheels are flat Wheels, Eightpence;

If all or any of the Wheels be of any other Sort, One Shilling:

For every Beast of Draught or Burden, laden or unladen, but not drawing, Three Halfpence:

For every Head of Oxen, Cows, or Cattle, One Halfpenny:

For every Head of Calves, Swine, Sheep, or Lambs, One Farthing.

Limitation
of Number
of ordinary
Tolls.

XIX. Except as is by this Act otherwise expressly provided, not more than Two full ordinary Tolls shall be demanded or taken for the Passage on the same Day of the same Beast, Carriage, or Cart along the whole of the Line of Road.

Additional
Toll.

XX. In the following Case the Trustees may likewise demand and take as an additional Toll, besides the ordinary Tolls, any Sum not exceeding the following; to wit,

Where

Mansfield and Worksop Road Act, 1857.

Where a Carriage or a Cart passes more than once in a Day through the same Toll Gate, with a fresh Load exceeding Three Hundredweight, for every Time of so passing after the first, One Half of the Amount of the ordinary Toll, but not in the whole, including the ordinary Toll for the First Time of passing, more than twice the Amount of the ordinary Toll.

XXI. The following Regulation shall apply to the fixing of the Tolls: Regulations as to Tolls.

Where the Toll is a fractional Part of a Halfpenny the Sum to be demanded and taken shall be One Halfpenny instead of such fractional Part.

XXII. Where any Person pays the Toll for the passing of any Beast, Carriage, or Cart through any Toll Gate, the same Beast drawing the same Carriage or Cart, or, as the Case may be, the same Carriage or Cart shall (except as is by this Act otherwise provided), on the Ticket denoting the Payment of such Toll being produced, be permitted at all Times during the same Day to pass Toll-free through the same Toll Gate, and also through every other Toll Gate, if any, which the Ticket frees. Tolls payable only once a Day.

XXIII. Provided always, That in the following Cases the Toll shall be payable for every Time of passing during the same Day: Tolls payable more than once a Day.

Where the same Beast draws a different Carriage or Cart from the Carriage or Cart which it drew when the Toll was paid before on the same Day;

Where the Carriage or Cart is a Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage or Stage Cart carrying Passengers or Articles for Hire or Pay:

And in the following Case the Tolls shall be payable for every Time of passing during the same Day under a new Hiring:

Where the Carriage is a Postchaise, Gig, or other Carriage let out for Hire or Pay.

XXIV. All Moneys which come to the Hands of the Trustees by virtue of this Act shall be applied as follows: Application of Moneys.

First. In paying the Expenses of and incident to the preparing, for obtaining, and passing of this Act:

Secondly. In paying Salaries of Officers, and in defraying the necessary Expenses of repairing, altering, and lighting Toll Gates, and the necessary Expenses of Management of the Road, but such Expenses together not to exceed Eighty Pounds a Year, exclusive of the Salaries of Toll Collectors, and Expenses of erecting Toll Gates, and Expenses with respect to Actions at Law, Suits, Indictments, or Proceedings before Magistrates:

Thirdly.

Mansfield and Worksop Road Act, 1857.

Thirdly. In paying Interest at the Rate of Four Pounds *per Centum per Annum*, upon the several Principal Sums, amounting together to Five thousand two hundred and eighty-three Pounds Ten Shillings, respectively specified in the Schedule to this Act, or upon so much thereof as is from Time to Time owing in respect of Money borrowed on the Credit of the Tolls:

Fourthly. In paying the Expenses of maintaining and repairing the Road, but such Expenses not to exceed One hundred and eighty Pounds a Year:

Fifthly. In paying off, as by this Act provided, the Principal Sums specified in the Schedule to this Act:

Sixthly. In paying the Expenses of further repairing, maintaining, and improving the Road.

Interest not to accrue until Expenses of Act are paid.

XXV. That no Interest shall accrue due on the said Principal Sums owing on the Credit of the Tolls authorized to be taken on the said Road until the Trustees shall have received sufficient Sums to pay and discharge and shall have paid and discharged the Costs and Expenses of obtaining and passing this Act and incident thereto.

Mortgagees to take possession only on Nonpayment of Interest.

XXVI. Whenever and so long as the Interest, at the Rate by this Act authorized, on the Mortgage Debts specified in the Schedule to this Act, is duly paid within Three Calendar Months after it becomes due, no Mortgagee of the Tolls shall enter into Possession of the Toll Gates, or into the Receipt of the Tolls, or of the Rent payable upon any letting of the Tolls, or until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk for Payment of such Interest, and Default made in Payment accordingly; and if any Mortgagee of the Tolls enter into such Possession or Receipt, he shall pay the Interest from Time to Time due and payable on all the Mortgages of the Tolls without any Preference, and may reimburse himself his lawful Costs, and the Mortgagee so in Possession or Receipt shall, within Twenty-one Days after every Thirty-first Day of *December*, render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while in such Possession or Receipt, with proper Vouchers; and if it appear by any such Account that the Interest due on his Mortgage up to the then last Thirty-first Day of *December*, and all such Costs are fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) in his Hands, and deliver up such Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

Duties of Mortgagee in possession.

Delivery up of Possession by Mortgagee

Mode of discharging Debt.

XXVII. That whenever the Sum applicable towards the Discharge of the Bond Debt shall amount to One hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the
Payment

Mansfield and Worksop Road Act, 1857.

Payment of a Part of the Bond Debt to some Person entitled thereto and shall, Twenty-eight Days at least before such Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, by Letter transmitted through the General Post Office to every Creditor, addressed to his usual Place of Residence; and at such Meeting the Trustees shall apply such Sum, or (as the Case may require) a Portion thereof, in or towards the Discharge of a Part of the Bond Debt, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of his Portion of the Bond Debt, and after Payment to such Creditor shall apply the Surplus (if any) of such Sum, or (as the Case may require) a Portion thereof, in or towards the Discharge of a further Part of the Bond Debt due to the Creditor who shall by like Proposal have offered to accept the next lowest Composition in respect of his Portion of the Bond Debt, and so on until such Sum be exhausted; and whenever Two or more Creditors shall by such Proposals have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between such Creditors, or may pay such Composition rateably between such Creditors as the Trustees think fit; and if there be not any such Proposal, or if there be any Surplus of such Sum, after applying the same, so far as may be necessary, in or towards the Discharge of the Moneys to which any such Proposals relate, the Trustees may, as they think fit, apply such Sum (as the Case may be) the Surplus thereof, rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot.

XXVIII. Nothing in this Act contained shall exempt the Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement 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 Provisions thereof are expressly varied by this Act, or are inconsistent therewith.

Road not
exempt from
Provisions of
General
Acts.

*Mansfield and Worksop Road Act, 1857.*SCHEDULE.*Mortgage Debt on the Tolls.*

Mortgagees.	Principal Sums.		
	£	s.	d.
Athron, William - - - - -	193	0	0
Ashmore, William - - - - -	193	0	0
Butler, Reverend William Joseph - - - - -	301	10	0
Coke, Thomas Edward - - - - -	102	10	0
Clay, Elizabeth, Executors of - - - - -	183	10	0
Dibblee, Henry, Executors of - - - - -	341	10	0
Downall, Reverend John - - - - -	108	10	0
Field, Samuel, Executors of - - - - -	290	0	0
Foljambe, George Savile - - - - -	483	10	0
Heygate, James - - - - -	108	10	0
Hall, Francis - - - - -	216	10	0
Maltby and Bingley - - - - -	108	10	0
Portland, Duke of - - - - -	193	10	0
Robinson, Reverend John - - - - -	302	0	0
Radley, Elizabeth - - - - -	193	10	0
Scott, James - - - - -	541	0	0
Strutt, George Henry - - - - -	325	0	0
Wagstaff, Mary and Elizabeth - - - - -	228	0	0
Waring's Trustees - - - - -	870	0	0
	5,283	10	0

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