



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 74.

An Act for making and maintaining a Road from the Guide-post below *Haddon*, out of the *Bakewell* Turnpike Road, by *Grange Mill*, into the *Bentley* and *Ashbourne* Turnpike Road, in the County of *Derby*.
 [14th May 1811.]

WHEREAS the making, maintaining and keeping in Repair a Turnpike Road from and out of the present Turnpike Road, from the Guide-Post below *Haddon*, in the Parish of *Bakewell*, through the several Parishes, Townships or Hamlets of *Bakewell*, *Haddon*, *Youlgreave*, *Stanton*, *Birchover*, *Elton*, *Winster*, and *Iven Brook Grange*, by *Grange Mill*, and from thence through the several Parishes, Townships or Hamlets of *Wirksworth*, *Brassington*, *Bradbourne*, *Kniveton* and *Bentley*, to the Turnpike Road leading from *Bentley* to *Ashbourne*, all in the County of *Derby*, will be of great Advantage to the Inhabitants of the Neighbourhood, and of great public Utility: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *George Augustus Henry Cavendish*, commonly called Lord *George Henry Cavendish*, the Honourable *Nathaniel Curzon*, the Honourable *David Francis Curzon* Clerk, *Richard Arkwright*, *Richard Arkwright* the Younger, *Robert Arkwright*, *Peter Arkwright*, *John Alsop*, *John Alsop* the Younger, *Anthony Alsop*, *Robert Alsop* of *Brassington*, *Robert Alsop* of *Gratton*, *William Ashmore*, *William Brittlebank*, *John Britt'ebank*, *Andrew Brittlebank*, *William Brittlebank* the Younger, *Thomas Firds*, *John Black-*

Appointment
of Trustees.

[Loc. & Per.]

17 N

wall,

*wall, Robert Blackwall, John Gorrell Barnes, Edward Barnes, Samuel
 Briddon, John Briddon, Joseph Bradley, George Buckston Clerk, John
 Brownson, Robert Birch, Alexander Bosley, Thomas Buxton, John Charge,
 William Cavendish, Thomas Cooper, Gilbert Crompton, Thomas Clarke,
 James Croft, John Croft, James Dowland, William Johnson Edensor,
 John Edensor, Francis Eyre, ——— Eyre, William Etcbes, Sir Henry
 Fitzherbert Baronet, George Fillingham, George Gosling, William Gauntley
 the Elder, William Gauntley the Younger, John Gauntley, Philip Gell of
 Hopton, Philip Gell of Wirksworth, William Greaves, Joseph Greaves,
 Joshua Gregory, Joseph Gould, Richard Goodwin, John Goodwin, Joseph
 Gratton Mercer, Joseph Gratton Malster, John Heaton, Francis Hurt,
 Charles Hurt, Charles Hurt the Younger, Richard Hurt, Nathaniel
 Hubbersty Clerk, John Heathcote, Thomas Hall, Sir Thomas Windsor
 Hunlocke Baronet, Thomas Hallows, Mark Hewitt, Joshua Jebb, John
 Inman, Clement Kinnesley, Thomas Knowlson, William Jeffery Lockett, Sir
 Richard Levinge Baronet, Bernard Lucas, Thomas Barton Lucas, Maynard
 Lucas, Anthony Lax Maynard, Robert Malkin, Edward Miller Mundy,
 Robert Millington, Francis Melland, Henry Malkin, Stephen Melland,
 Marmaduke Middleton Middleton, Thomas Macdonagh, William Newton,
 John Nuttall, George Nuttall, William Paitson, George Pearson Clerk,
 Daniel Prince, Cornelius Heathcote Rodes, Sir Sitwell Sitwell Baronet,
 Adam Barker Slater, Jonathan Rogers Stoke Junior, Doctor of Medicine,
 Joseph Storrs, Thomas Sykes, Richard Snibson, George Roe Clerk, George
 Roe the Younger, Henry Richardson, Samuel Richardson, James Swettenham,
 John Sutton, Francis Sandor, William Staley, Thomas Smith, Joseph
 Smedley, John Toplis, George Toplis, William Toplis, Robert Toplis, Bache
 Thornbill, Henry Bache Thornbill, William Thornbill, Bache Thornbill Clerk,
 Edward Thornbill, Charles Upton, William Webster, Adam Woolley, Henry
 Woolley, John Webster, Thomas Worsley, William Waller, Isaac Wilkinson, John
 Wilkinson, the Honourable William Cavendish, Henry Cavendish, Charles
 Cavendish, Isaac Blore, Christopher Staley, Richard Gregory, Walter
 Buxton, George Barker, Joseph Carrington, Benjamin Pidcock Clerk,
 Joshua Lingard, John Lingard, Cornelius Flint, John Barker Clerk,
 Richard Smith Clerk, John Shaw, Ashton Ashton Shuttleworth, Caleb
 Barker, Robert Needham, James Green, George White, Edward Buxton,
 James Gregory, James Longsdon, James Longsdon Junior, the Honourable
 John Simpson, George Cooper, Francis Cooper, Philip Heacock, George
 Pearson Clerk, Humphry Hall, Horatio Mason, George Rickards, Philip
 Gell, Ebenezer Bowman, William Fidler, Joseph Gould, Richard Gould,
 Sampson Marsden, Thomas Finney, Thomas Lomas, and their Successors,
 to be elected in Manner hereinafter mentioned, shall be and they are
 hereby appointed Trustees for making, maintaining, widening, altering,
 improving and keeping in Repair the said Road, and for carrying this Act
 into Execution; and that when and as often as any of the said Trustees
 herein mentioned shall die, or by Writing under their Hands, shall refuse
 to act, it shall be lawful for the surviving or remaining Trustees from
 Time to Time to elect some fit Person to be a Trustee in the Room of
 every Trustee dying or refusing to act as aforesaid, Ten Days' public
 Notice of the Meeting for every such Election being given in some New-
 papers published or circulated in the said County, and also upon the
 several Turnpikes or Toll-gates which shall be then standing across or
 upon the said Road; and every Person who shall be so elected a Trustee
 shall be joined with the surviving or remaining Trustees, and is hereby
 empowered*

For appoint-
 ing new
 Trustees.

empowered to act in the Execution of this Act to all Intents and Purposes as if he had been appointed a Trustee in and by this Act.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act who shall keep any Victualling-house or House of public Entertainment, or hold any Place of Profit under this Act, nor in any Case wherein he shall be personally interested; nor shall any Person be qualified to act as a Trustee unless he shall, at the Time of his acting, be in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments in the said County of *Derby*, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent to a Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate to the Amount of One thousand Pounds, nor (except in administering the Oath or Affirmation following, and giving Notice of the First Meeting of the Trustees hereinafter mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees (who are hereby authorized to administer the same) an Oath or Affirmation in the Words or to the Effect following, as the Case may require; (that is to say)

‘ I do swear [*or, being one of the People called Quakers,*
 ‘ I do solemnly affirm] that I truly and *bona fide* am in my own Right
 ‘ [*or, in the Right of my Wife*] in the actual Possession and Enjoyment
 ‘ [*or, Receipt*] of the Rents and Profits of Lands, Tenements and Here-
 ‘ ditaments in the County of *Derby*, of the clear yearly Value of Fifty
 ‘ Pounds above Reprizes; or am possessed of or entitled to a Personal
 ‘ Estate of the Value of One thousand Pounds; or am the Heir Apparent
 ‘ of who, to the best of my Knowledge, is seised of a real Estate of
 ‘ Lands, Tenements or Hereditaments in the County of *Derby*, of the
 ‘ clear yearly Value of One hundred Pounds above Reprizes.’

‘ So help me GOD.’

And if any Person not being qualified as aforesaid shall nevertheless presume to act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee; and that such Trustees as are or shall be in the Commission of the Peace for the said County

Qualification
of Trustees.

Penalty on
acting if not
qualified.

Acts done
before Con-
viction to be
valid.

Mortgagees
may act.

County of *Derby* may act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees.

Time and
Place of First
Meeting of
Trustees.

III. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at the *Angel Inn* in *Winster* aforesaid, as soon after the passing of this Act as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon; of which Meeting Notice shall be given in some Newspapers circulated in the said County of *Derby*, at least Seven Days before such Meeting, by One or more of the said Trustees; at which Time and Place the said Trustees shall proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place upon or within Seven Miles from some Part of the said Road, as the said Trustees attending the said Meetings shall think most convenient, as often as it shall be necessary for putting this Act into Execution; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the Trustees shall, by Notice in Writing to be affixed on all the Toll-gates or Turnpikes then erected on the said Road; and to be inserted in some Newspapers circulated in the said County at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or appointed to be held, or at some other convenient House within the Distance above mentioned from the said Road, on that Day Three Weeks from the Day on which such Meeting was held or was appointed to have been held; and in case the Clerk or Clerks of the said Trustees shall neglect or refuse to give such Notice it shall be lawful for Three or more of the said Trustees (although not assembled at a Meeting) at any Time or Times after the Space of Ten Days after such Refusal or Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the said Trustees to meet at some convenient House in or near the said Road upon that Day Three Weeks after the Date of such last-mentioned Notice; and that the said Trustees at all Meetings shall defray their own Expences: Provided always, that no Act, Order or Proceeding of the said Trustees shall be deemed to be valid unless done, made or had at a Meeting to be held in pursuance of this Act (except in Cases herein provided for); and that no such Act, Order or Proceeding shall be done, made or had, unless a Majority of the Trustees present shall concur therein; and that all Acts, Orders and Proceedings so done, made or had shall have the same Force and Effect as if the same were done, made or had by or before all the Trustees; nor shall any Order or Appointment made at a Meeting of the said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration intended to be made, be affixed upon all the Toll-gates or Turnpikes then erected by virtue of this Act, and also inserted as aforesaid, at least Fifteen Days before such subsequent Meetings, nor unless a Majority of Three-fourths of the Trustees present at such Meeting shall decide in Favour of such Revocation or Alteration,

Trustees to
bear their
own Ex-
pences.
No act to be
valid unless
done at a
Meeting.

Meetings on
Emergencies.

IV. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary by any Three or more
of

of them, that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, the said Clerk, by an Order in Writing signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Seven Days after such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

V. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept by the Clerk for that Purpose, and signed by all or the major Part of the Trustees present at the Meeting at which each respective Order or Proceeding shall be made or had, or by their Chairman, or Clerk, by their Order; and that every such Book shall be open, at seasonable Times, to the Inspection of any of the said Trustees, who shall be at Liberty to take Copies thereof, or Extracts therefrom, without Fee or Reward; which said Entries, duly signed as aforesaid, shall be deemed Originals, and the same, or true Copies thereof, shall be read and admitted as Evidence in Cases of Appeal, and in all Suits and Actions in any Court whatsoever, touching any Thing done in pursuance of this Act.

Orders and Proceedings to be entered in Books, and be admitted as Evidence.

VI. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands, nominate and appoint one or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, Surveyor or Surveyors of the said Road, and also such other Officers as they shall think necessary to employ in the Execution of this Act; and the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers so by them appointed, and shall also take such Security from the other Officers by them appointed, for the Execution of their respective Offices, as they the said Trustees shall deem requisite; and the said Trustees also may from Time to Time remove any such Clerk, Treasurer, Receiver, Collector, Surveyor and other Officers as they shall see Occasion, and appoint others in case of such Removal or of Death; and that out of the Monies to be received by virtue of this Act, such Allowances and Compensations shall be made to the several Officers to be appointed as aforesaid, and to such other Person or Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees shall seem proper.

Trustees may appoint Officers.

VII. And be it further enacted, That all such Officers and all other Persons, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected or received by virtue or in consequence of this Act, and how, and to whom, and for what Purpose the same or any Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath; and such Officers and Persons shall, and they are hereby respectively required to pay all such Monies as on the Balance of such Ac-

Officers to account on Oath.

count or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce or deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath (which Oath the said Trustees, or any One or more of them, is or are hereby authorized and empowered to administer), or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Four Days after being thereunto required by the said Trustees, all Books, Accounts, Papers and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County of *Derby*, by any One or more of the said Trustees, or by any Person or Persons on their Behalf, such Justice may, and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons to be brought before him, and upon his, her or their appearing, or not appearing (except for some reasonable Excuse, and having been first duly summoned), to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Settlement of such Account or Accounts, or upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except as aforesaid), or appearing, shall refuse or neglect to give and deliver to the said Justices an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of any such Accounts, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her or their Custody or Power, relating to the Execution of this Act, or to the Road in anywise, then and in either of the Cases aforesaid, the said Justices may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol of the respective County or Place, there to remain without Bail or Mainprize, until he, she or they shall have delivered in and settled his, her or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her or their respective Hands, and the reasonable Charges of such Distress and Sale

as shall in that respect have been made, or until he, she or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby in such Case empowered to make); or until he, she or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person shall be committed for want of sufficient Distress for any longer Space of Time than Six Calendar Months.

VIII. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaviour, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall become incapable, abscond, misbehave or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, in the Stead of such Collector or Receiver so dying, absconding, or being discharged as aforesaid, and to continue until the next Meeting of the Trustees; which Person, so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall die, abscond or be discharged would have had or been subject to; and that if any Collector or Receiver of the Tolls, who shall at any Time be discharged from his said Office by the Trustees by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person shall refuse or neglect to deliver up the Possession of any Toll-house or Building to be erected or set up by virtue of this Act, or the Garden or other Appurtenances belonging thereto, for the Space of Four Days, after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Three of more of the said Trustees, or their Clerk or Treasurer, then, and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Derby*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the said County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, and the Occupier or Occupiers thereof, together with his or their Goods out of the same; and to put the said Trustees or any of them, or their Clerks, or their new-appointed Officer, into the Possession thereof with the Appurtenances.

IX. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer, or in the Name of any of the said Trustees; and that no such Action shall abate or be discontinued by the Death or Removal of the Persons in whose Names, or against whom the same shall be brought, or by the Act or Default of such Person, without the Consent of the said Trustees at a Meeting to be held for that Purpose; and such Clerk, Treasurer, or Trustee shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Damages

Trustees to
appoint tem-
porary Col-
lectors.

Trustees may
sue or be sued
in the Name
of their Clerk.

Clerk to be
repaid his
Expences.

Damages and Charges as, by the Event of every such Proceeding, he shall be put to or become chargeable with by occasion of his being so made Plaintiff or Defendant.

Power to erect
Turnpikes and
Toll-houses.

X. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to cause such Turnpikes or Toll-gates to be erected upon or across the said Roads, and upon or near the Sides thereof, across any Lanes or Ways leading into the same, as they shall think proper, (save and except as hereinafter is excepted,) and also a Toll-house adjoining or near to every such Turnpike or Toll-gate, and from Time to Time to remove or alter the same, as they shall think meet or expedient; and may, if they think proper, cause a sufficient Piece of Ground for a Garden, not exceeding Twenty Perches, to be set out and inclosed to every such Toll-house.

Power to re-
move Gates
and Toll-
houses.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time to take down and remove any Toll-gate or Turnpike, Buildings and other Conveniences erected or provided by virtue of this Act, and to discontinue or to set up the same again in or on the Side of any other Part of the said Road, except as aforesaid: provided nevertheless, that no Toll-gate or Turnpike to be erected or set up by virtue of this Act shall, at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the said Trustees, at a Meeting convened for that Purpose, and unless Notice in Writing, specifying the Purpose of such Meeting, be affixed upon all the Turnpikes then erected by virtue of this Act, and also inserted in some Newspaper circulated in the said County, Twenty-one Days at least before such Meeting, any Thing in this Act contained to the contrary notwithstanding.

Turnpikes
and Toll-
houses vested
in Trustees.

XII. And be it further enacted, That the Right and Property of all the said Toll-gates, Turnpikes and Toll-houses, and other Buildings to be erected or provided upon or at the Side of or near the said Road, and of the Materials for building or altering the same respectively, and all Materials and other Things which shall be provided, collected, or made use of for making, repairing, or improving the said Road, or for executing this Act, shall be and the same are hereby vested in the said Trustees; and they are hereby authorized and empowered to bring Actions in the Name or Names of any one or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, or damage any such Toll-gates, Turnpikes, Toll-house or other Buildings, Materials or other Things as aforesaid, or disturb the said Trustees, or any of them, or any of their Collectors or other Officers in Possession thereof or any of them.

Collectors of
Tolls to put
their Names
in the Front
of the Toll-
houses.

XIII. And be it further enacted, That every Collector or Receiver of the Tolls on the said Road, shall and is hereby required to place his Christian and Surname, painted on a Board in white Letters on a black Ground, in fair legible Characters, of such Size as the said Trustees shall direct, in the Front of the Toll-house where he shall be stationed to collect the said Tolls, immediately on his coming on Duty, and shall continue
the

the same so placed during the whole Time he shall be upon such Duty; and if any Collector or Receiver of the said Tolls shall not place such Board as aforesaid, in the Manner and during the Time aforesaid, or shall demand or take a greater Toll from any Person than he shall be authorized to do by virtue of this Act, or shall refuse to permit or suffer, or in anywise hinder any Person or Persons from reading such Christian or Surname, when placed up as aforesaid, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, upon having paid the said Tolls, or shall give a false Name upon such Demand, every such Collector or Receiver shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

XIV. And be it further enacted, That the respective Tolls following shall be demanded and taken at such of the said respective Turnpikes or Toll-gates which shall be erected upon or across any Part of the said Road, before any Horse, or other Beast or Cattle shall be permitted to pass through the same: (that is to say)

For every Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Wiskey or Chair, drawn by more than Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; or drawn by One Horse or other Beast of Draught, the Sum of Sixpence: Tolls.

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and drawn by One or more Horse or Horses or other Beast or Beasts of Draught, the Sum of Three-pence *per* Horse:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, and drawn by One or more Horse or Horses or other Beast of Beasts of Draught, the Sum of Sixpence *per* Horse: And

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of One-penny Halfpenny: And

For every Score of Oxen, Cows or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any less Number: And

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Five-pence; and so in proportion for any less Number.

XV. And be it further enacted, That it shall and may be lawful to and for the respective Toll-gatherers or Collectors on the said Road, and they are hereby authorized and required, on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on *Sunday* Night) throughout the Year, to demand and take for every Horse, Mare, Gelding, Mule, Ass or other Beast drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs or Swine, double the Tolls or Sum hereby authorized to be demanded or taken for the same respectively on any other Day. Sunday Tolls.

XVI. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast or Carriage, through any of the said Toll-gates or Turnpikes, such Person shall, upon producing a Note or Ticket denoting the Tolls to be payable only once at the same Gate, and but twice
[*Loc. & Per.*] 17 P Payment

on the whole
Road in one
Day.

Payment thereof on that Day at the same Toll-gate (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver gratis on Demand to every Person who shall so pay such Toll), be permitted to pass and repass Toll-free with the same Horses, Cattle, Beasts or Carriages, through the same Toll-gate, at any Time or Times during the same Day, to be computed as aforesaid; but if any Person with any Horse, Beast, Cattle or Carriage, having paid one whole Toll at any Turnpike or Toll-gate upon the said Road, shall pass through any other Turnpike or Toll-gate upon the said Road with the same Horses, Beasts, Cattle or Carriages, he shall be liable to the Payment of Toll at such other Turnpike or Toll-gate: Provided always, That no more than Two Tolls in the whole shall be demanded or payable in any one Day, to be computed as aforesaid, from any Person for passing or repassing the whole Length of the said Road, and through all or any of the Toll-gates thereon, with the same Horses, Beasts, Cattle and Carriages.

Exemption
for Inhabi-
tants of cer-
tain Villages.

XVII. Provided always, and be it further enacted and declared, That no Gate or Turnpike shall be erected by virtue of this Act upon the said Road, from *Bakewell* Turnpike Road to *Ashborne* Turnpike Road, or near the Sides thereof, nearer to the said *Bakewell* Turnpike Road than a certain Highway leading to the Town of *Stanton*, at the upper Bridge, over a Brook called *Hartle Brook*, situate at the South Corner of a Close in *Hartle*, called *Priesthill* without the Consent in Writing of His Grace *John Henry* Duke of *Rutland*, and *Bache Thornhill* Esquire, their Heirs or Assigns, for that Purpose first had and obtained.

Exemptions
from Toll.

XVIII. Provided always, and it is hereby enacted and declared, That no Toll shall be demanded or taken for any Cattle or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day stone, Brick, Gravel or other Materials for making or repairing the said Road, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads, or laden only with Dung or other Manure (except Lime) to be used in manuring any Lands or Grounds, or with Corn going to be ground or returning from being ground at *Bradbourne* Mill, for the private Use of the Occupiers of Farms and Lands in *Bradbourne*, and not for Sale, or with Corn going to be ground or returning from being ground at *Stanton*, *Eccleston*, or *Allport* Mills, or either or any of them, for the private Use of the Occupiers of Farms and Lands in *Stanton* and *Lirchover*, or either of them, and not for Sale, or with any Grass, Hay, Sainfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houses, Out-houses, Barns, Yards, or Premises of the Owners thereof, for their own private Use and Consumption only and not for Sale; nor for any Cattle drawing, or Carriage going with, or going empty, or returning empty after being laden only with any Plough, Harrow, or other Implements of Husbandry, nor for any Horse or Horses or other Cattle going to or from Water, Plough, Pasture or other Work in Husbandry, or from being shod or farried; nor shall any Toll be demanded or taken for fetching or carrying Water from an ancient Spring called the *Shothouse* Spring; nor shall any Toll be demanded or taken for any Rector, or Vicar, or Curate going to or returning from his proper Church or other Place of Divine Worship,
or

or visiting his sick Parishioners; or of or from any Person or Persons in any of the said Parishes or Places, for passing through any of the said Toll-gates or Turnpikes on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, to or from his, her or their respective Parish Church, or other usual Place of Religious Worship licensed according to Law, for the Purpose of attending or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person to be interred in any of the said Parishes or Places; or for any Horses or Carriages of whatever Description employed or to be employed in conveying, fetching or guarding Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers on their March or on Duty, or for Horses, Cattle or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers, or for any Horses or Carriages employed in conveying any Ordnance, Barrack or Commissariat or other Public Stores; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskies, Chairs or other Carriages, or Passengers on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County or Borough of *Derby*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, Volunteer Cavalry or Local Militia, rode in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid: and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XIX. Provided always, and be it further enacted, That nothing herein contained shall be construed to make liable all or any of the Inhabitants of the Hamlets of *Iven Brook Grange* aforesaid to the Payment of Toll in passing and repassing to and from the Turnpike Road leading from *Cranford* to *Newhaven*, in the said County of *Derby*.

XX. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or carrying any Ordnance, Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses, or other Cattle drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver

Owners or Drivers of Waggons employed in the Service of the King's Stores, not to be subject to Penalties for Overweight.

Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Trustees may lessen the Tolls and raise them again, if necessary.

XXI. And be it further enacted, That the said Trustees, at any Meeting to be held for that Purpose (whereof Twenty one Days Notice shall be fixed in Writing upon all the Toll gates or Turnpikes then erected by virtue of this Act); may and they are hereby empowered from Time to Time to reduce all or any of the said Tolls hereby granted, and to order such Tolls to reduced to be collected and received in such Manner, Parts and Proportions as they shall think fit, so as such Reduction be of no Prejudice to, and be with the Consent of, Five-sixth Parts in Value of the several Persons who shall be entitled to the Money then due on the Credit of the said Tolls at the Time of such Reduction; and the said Trustees may and they are hereby empowered to raise the said Tolls again or any Part thereof, so as the same do not exceed the respective Rates hereinbefore granted; and such Tolls, so reduced and raised again respectively, shall be collected, recovered and applied in the same Manner as the Tolls hereinbefore granted are directed to be collected, recovered and applied.

Trustees may let Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Twenty-one Days' Notice shall have been given in Writing, affixed upon all the Toll gates or Turnpikes then erected by virtue of this Act, and inserted in some Newspaper circulated in the Neighbourhood of the said Road, from Time to Time by Writing under their Hands, to let or demise, or agree to let and demise, the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Five Years, upon public Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time, and to such Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

For letting Weighing Engines.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting after such Notice, to let or farm either with or without the Tolls by this Act authorized to be taken, the Weighing Engines which may be erected by virtue of an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being for the Amendment and Preservation of the Public Highways within that Part of Great Britain called England, and for other Purposes*; and the additional Tolls and Duties granted and made payable thereat, for any Carriage which with its Loading shall weigh more than the Weight allowed by Law, provided that the said additional Tolls be let in the same Manner as the Tolls arising at the Toll-gates or Turnpikes are by this Act directed or prescribed to be let.

XXIV. And

XXIV. And be it further enacted, That in case any of the said several and respective Tolls shall at any Time or Times during the Continuance of this Act be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, or Farmer or Farmers, shall be in Arrear for the Space of Ten Days, on which the same ought to be paid pursuant to the Agreement for letting the same, then, and in either of those Cases, the said Trustees or any Three or more of them, although not assembled at a Meeting, or their Clerk or Treasurer, or other Person authorized by Writing under the Hands of any Three or more of them as aforesaid, shall be at Liberty, and they are hereby authorized to enter into and upon the Possession of the Toll-house or Toll-houses, with the Buildings, Gates and Appurtenances thereto belonging, so let as aforesaid, and to remove such Lessee or Lessees, Farmer or Farmers from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be and is thereby void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustee or any Three or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Enabling the Trustees to take Possession of the Toll-houses when let to farm.

XXV. And be it further enacted, That the said Trustees may and they are hereby empowered 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 all or any of the Inhabitants of the several Towns, Parishes, Hamlets or Places near to or through which the said Road hereby directed to be made and repaired doth lead, for the passing of their Horses and other Beasts or Cattle through all or any of the Toll-gates or Turnpikes to be erected by virtue of this Act; which Composition Money shall be paid in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall be void.

Tolls may be compounded for.

XXVI. And be it further enacted, That if any Person or Persons shall dispose or offer to dispose of any Ticket to any Person or Persons, in order to evade the Payment of any of the said Tolls, any such Person or Persons receiving and making use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Penalty of disposing of Tickets to avoid the Tolls.

XXVII. And be it further enacted, That, if any Person or Persons owning or occupying any Land or Place near to the said Road shall knowingly permit or suffer any Person or Persons, who shall have travelled on the said Road for the Distance of One Hundred Yards, to pass through any Gate, Passage, Inclosure or private Way with any Horses, Cattle or

Penalty on Evasion of Tolls.

Carriage, or if any Person or Persons shall pass through any such Gate, Passage, or Inclosure, or private Way with any Horses, Cattle or Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll-gate with any Horse, Beast or other Cattle without Payment of Toll, or shall take off any Horse or other Cattle from any Carriage, or having passed through any such Turnpike or Toll-gate, shall afterwards add or put an additional Horse or Horses, Beast or Beasts to such Carriage, with Intent to evade the Payment of the said Tolls or any Part thereof, or shall leave or cause to be left upon or near the said Road any Cattle or Carriage, or shall unload any Goods from or out of any Carriage, with such Intent as aforesaid, or in any other Manner evade or attempt to evade the Payment of the said Tolls, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Manner of
Recovery of
Tolls.

XXVIII. And be it further enacted, That the said respective Tolls shall be and are hereby vested in the said Trustees; and if any Person or Persons subject to the Payment of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, by himself, herself or themselves, or taking such Assistance as he, she or they shall think necessary, to seize or distrain any Horse or Horses, or other Beast or Cattle, upon which such Toll is by this Act imposed, together with their Bridles, Saddles, Gears, Harness or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle or Things so seized or distrained, or a sufficient Part thereof, returning the Overplus (if any) and what shall remain unpaid on Demand to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure and Distress, shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, and all other Monies arising on the Credit thereof, and all other Monies arising by virtue thereof, shall be paid, applied and disposed of, to and for the several Uses, Intents and Purposes, and in such Manner as is herein mentioned.

Disputes concerning Tolls, how to be settled by a Justice.

XXIX. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress or Distresses, it shall be lawful for the Collector or Persons distraining to retain the same, or the Money arising by Sale thereof, as the Case may happen, until the Quantity of Tolls due, and Charges of seizure, distraining, keeping, and selling such Distress or Distresses, shall be ascertained by some Justice of the Peace of the said County, who, upon Application made to him for that Purpose, shall examine the said Matter on Oath of the Parties, or any credible Witnesses or Witnesses, and determine the Quantity of the Tolls due, and assess the Charges of such Seizure, Distress, Keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person, before

before he shall be obliged to return any Distress or the Overplus Money, after the Sale thereof or of any Part thereof.

XXX. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, or to the Execution of any of the Powers of this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be deemed to be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of their being so appointed. Collectors of Tolls competent Witnesses.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money, not exceeding Four thousand eight hundred Pounds, as they shall think fit, upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, and by any Writing under their Hands and Seals to assign over the said Tolls, and the said Toll-gates and Toll-houses, with the Appurtenances, (the Charges of such Assignments to be paid out of the said Tolls) to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with lawful Interest, as the said Trustees shall think proper; which said Money so borrowed shall be applied and disposed of in such Manner as the Tolls are herein directed to be applied and disposed of; and that such Assignment shall be in the Form or to the Effect following: (*videlicet*) Power to borrow Money.

BY virtue of an Act, made in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled [*Here insert the Title of this Act,*] We
of the Trustees for executing the said Act, in Consideration of the Sum of _____ to the Treasurer of the said Road in Hand paid, do grant, bargain, sell and demise unto his Executors, Administrators, and Assigns, such Proportions of the Tolls arising from the said Road, of the Turnpikes, and Toll-houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum due and owing on the Credit thereof. To be had and holden from the _____ Day of _____ in the Year of our Lord _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ *per Centum per Annum*, shall be sooner paid and satisfied.

XXXII. And be it further enacted, That out of the Monies to be received by virtue, or to be borrowed on the Credit of this Act, the said Trustees shall first pay and discharge the Expences of procuring and passing this Act; and the Remainder of such Monies shall from Time to Time be applied in erecting Toll-gates or Turnpikes and Toll-houses, and in making, repairing, widening, altering, improving and keeping in Repair the said Road and Works, and in erecting, building and keeping in Repair any Bridge or Bridges necessary and proper to be built upon the said Road, or across any Water, Brook or Rivulet adjoining thereto, and in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed Application of the Money.

Mortgages to be entered in a Book.

rowed by virtue thereof, and no other Use or Purpose whatsoever except as hereinafter-mentioned; and Copies of such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and which Book or Books shall and may at all reasonable Times be perused and inspected by the said Trustees or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person or Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her or their Right, Title, Interest or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any Writing under his, her or their Hand or Hands, before any credible Witness, in the following Words, or Words to the like Effect; (*videlicet*)

Form of Transfer.

I do transfer this Mortgage, [*or, a certain Mortgage, as the Case may be*] with all my Right and Title to the Principal thereby secured, and to all Interest now due upon the same, unto his Executors, Administrators and Assigns.

Dated this Day of

Which Transfer shall be produced and notified to the said Clerk or Treasurer within Twenty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the beforementioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings; and such Transfer shall then entitle such Assignee, his, her or their Executors, Administrators and Assigns to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last assigned) to make void, release, or discharge the original Securities, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of the Time of advancing any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

Trustees may alter or widen Roads.

XXXIII. And be it further enacted, That the said Trustees shall be and are hereby fully empowered to make the Road by this Act intended to be made, and for that Purpose to use, turn, divert, alter or widen any Part of the present Road within the Distance hereinafter mentioned; and from Time to Time to contract with any Person or Persons for the Purchase or Exchanging of any Lands or Hereditaments lying on the Side or Sides of or near to any Part or Parts of the said Road, provided that such Part or Parts of the said Roads as shall be so widened, turned or altered be not thereby made wider than the Breadth of Sixty Feet, including the Ditches, and to pay for the said Lands and Hereditaments respectively by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic or Corporate, Corporations Aggregate

gregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees for and on Behalf of Infants, Females Covert, and to and for all other Persons whomsoever, to contract and agree with the said Trustees for the absolute Sale or Exchange of such Lands or Hereditaments, and of their respective Estates and Interest therein, and may and are hereby enabled to convey such Lands to the said Trustees, or to permit them to take and use the same for the Purposes aforesaid; and all Contracts, Sales, and Conveyances that shall be so made as aforesaid, shall be valid and binding upon all Persons and for all Intents and Purposes whatsoever; but this Act shall not extend so as to enable the said Trustees to take or make use, for any of the Purposes of this Act, of any Dwelling-house or other Building, or any Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or the Scite of any Manufactory, or Reservoirs, Railways, Timber Yards, Coal Yards, or other inclosed Repositories thereto belonging, without the Consent in Writing of the Owners or Proprietors thereof.

XXXIV. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Derby*: be it further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Hundred Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees in making or widening the said Road shall not deviate more than One hundred Yards of Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining Trustees from deviating beyond a certain Distance of the Line described in the Plan.

XXXV. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across or over the several Lands or Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make the Road through Grounds, although the Owners Names are not in the Book of Reference.

XXXVI. And be it further enacted, That the said Trustees, or any Three or more of them, shall and they are hereby authorized and required, immediately after the said intended Road shall be completed, with the Concurrence of Two Justices of the Peace for the said County, to shut up and discontinue, or cause to be stopped up and discontinued,

Roads may be stopped up.

any Lanes, or Bridle-roads or Ways which will be rendered uselefs and unnecessary by the making the said intended Road; and if any Person or Persons shall destroy or damage any Gate or Gates, Rail or Rails, Fence or Fences which shall be erected or made for the Purpose of stopping the said several Lanes, Bridle-roads or any of them, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, together with all Charges and Expences attending the repairing or re-making such Gate or Gates, Rail or Rails, Fence or Fences.

Surveyors may make Causeways, Cuts, or Drains, making satisfaction for the same.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, to make or cause to be made Footways or Causeways in, and upon, or by the Side of the said Road, and to erect, support and repair Arches and Water-courses upon or under the said Road, contiguous or advantageous thereto; and also to erect and make any other Drains through any Lands lying contiguous to the said Road; and also to make or cause to be made a Road through the Grounds adjoining any narrow or ruinous Part or Parts of the said Road (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Park or Paddock, planted Walk or Avenue to any House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of by all Passengers, Cattle or Carriages, and otherwise as a public Highway whilst the old, narrow and ruinous Road is widening or repairing, and till it shall be convenient and safe for Passengers and Carriages to pass thereon, making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, wherein or whereon any such Work shall be done, for the Damages which such Owners and Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees: and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, it shall be lawful for the Justices of the Peace, or the Major Part of them assembled at the next General Quarter Sessions for the said County of *Derby*, or at their Second Quarter Sessions at the farthest, to order, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid; which Determination shall be final.

Trustees may contract for repairing the Roads.

XXXVIII. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for making, repairing, widening, altering, turning, or amending the said Road, or any Part or Parts thereof, or for doing any other Work to be done in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting of the said Trustees shall be binding on all the said Trustees and their Successors, and also on all other Parties who shall sign the same, his, her and their Executors and Administrators respectively, and that Actions and Suits may be maintained thereon, and Damages and Colts recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

XXXIX. And

XXXIX. And be it further enacted, That if any Person or Persons ^{Trustees may} whomsoever entitled to or interested in any Lands, Messuages, Buildings or ^{purchase...} Hereditaments, which the said Trustees are by this Act enabled to purchase for the widening, turning or altering any Part of the said Road, shall, upon Application to them or any of them for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands, Messuages, Buildings or Hereditaments, or for any Loss or Damages to be by them sustained in consequence of the Execution of this Act, or in case of their or any of their Absence, or not being to be found, or if, on treating, he or they shall not agree with the said Trustees for the Price of such Lands, then, and in either of such Cases, the said Trustees may and are hereby empowered by Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to require the Sheriff of the said County of *Derby*, or his Deputy, to empanel, summon, and return a Jury of Twelve honest and disinterested Men of the said County, to be and appear before the said Trustees, at a certain Time and Place within the said County, to be specified in the said Warrant or Warrants, Precept or Precepts respectively, then and there to assess and ascertain the Prices and Value of the Lands intended or necessary to be purchased; and the said Sheriff or his Deputy are hereby required to empanel, summon, and return the said Jury accordingly, giving to each Jurymen Three Days' Notice of the Time and Place of his Attendance; and the said Trustees are hereby empowered to summon Witnesses, and such Jury and Witnesses are hereby required to attend accordingly; and the said Trustees having caused Fourteen Days' Notice in Writing under their Hands to be given to the Person or Persons entitled to the said Lands and Hereditaments intended to be purchased or to be left at their last or usual Place or Places of Abode, or at any Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands, setting forth the Nature, Situations, and Quantities of such Lands and Hereditaments, and the Time when and Place where the said Jury are to meet, to assess and to ascertain the Value thereof, they the said Trustees may proceed to enquire, by virtue of the said Jurors on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other indifferent Persons of the Standers by, or that may conveniently be had for that Service, to make up the Number of Twelve, and to which Jurors all Parties interested shall have their lawful Challenges when they come to be sworn; and the said Trustees having given the Nature of the Inquiry in charge to the said Jury that shall be sworn, may and are hereby empowered to examine all proper Persons on their Oath concerning the Nature and Value of the said Lands and Hereditaments, and, if needful and requisite, to cause the Jury sworn to view the said Lands and Hereditaments, and to take such other Measures to inform themselves and the Jury sworn, concerning the Nature and Value of the said Lands and Hereditaments, as they shall think proper; and the said Jury being so informed, shall, by their Verdict, assess and ascertain the Value of the respective Lands that shall have been given them in charge to enquire of; and the said Trustees present at the taking of such Inquests shall thereupon adjudge the Sum of Money assessed by the said Jurors, as the Value of the Lands or Hereditaments to be paid to the Person or Persons entitled to the Lands or Hereditaments; and such Findings of the Jurors, and Judgment of the said Trustees, shall be finally binding and conclusive to all Infants, Females Covert, and other Persons whom-

whomsoever anywise interested in the said Lands or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premises, or if any Juryman so summoned as aforesaid shall not appear (except for some reasonable Excuse to be allowed by such Trustees), or appearing, shall refuse to be sworn, or if sworn, shall not find his Verdict concerning the Matter that shall be given in charge, or if any Witness being summoned to appear and give Evidence to the said Trustees and Juries, shall not appear (except for some reasonable Excuse), or, if appearing, shall refuse to be sworn, or, being one of the People called Quakers, to affirm, and thereupon to give Evidence concerning the Matters aforesaid, every such Sheriff, Deputy, Juryman and Witness, shall for every such Refusal, Neglect, or Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

Expences of
the Jury and
Witnesses,
how to be
paid.

XL. And be it further enacted, that in case any Jury shall give and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury, then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees respectively out of the Monies arising by virtue of this Act; and if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to, and offered by the said Trustees, before the summoning and returning the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in Question (who is hereby required to examine and settle the same at any Time or Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and paid for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be Payment and Tender of the whole Sum so assessed and adjudged, or otherwise such Costs and Expences, in case the same shall not be had on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Conveyances
to be register-
ed in a Book.

XLI. And be it further enacted, That all Conveyances of Lands and Hereditaments to be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgments of the Trustees, concerning the
Value

Value thereof, which shall be ascertained by the Juries, shall be entered in some Book or Books of the said Trustees; and that after the Execution of such Conveyances, and giving such Judgment of the said Trustees, and after the Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be of the Value of any Lands, the Value whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons entitled to the same, or depositing the same in the Bank of *England*, as by this Act directed, as the Case may be, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway, and the said Lands or Hereditaments shall from thenceforth for ever afterwards be deemed, taken and used as a public Highway or public Highways, to all Intents and Purposes.

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees to sell and dispose of any Lands which they may have purchased over and above what may be necessary for the Purpose of this Act, and also such Piece or Pieces of Land as shall have been used for any public Highway, which may be rendered unnecessary by the making of the said intended Roads, and authorized by this Act to be stopped up, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same; provided that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased; or where the same shall have been rendered useless, by the stopping up of any Road or Roads as aforesaid, then to the Person or Persons whose Lands shall adjoin thereto, in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as hereafter mentioned), or shall refuse (except with respect to and on account of the Price thereof), to purchase or re-purchase the same respectively, of which, after Non-agreement and Refusal of, and Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery (who is hereby empowered to administer the same), by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of the said Trustees, and was not then and thereupon agreed to, or was refused, shall be sufficient Evidence in all Courts whatsoever; and in case such Person or Persons shall be anxious of purchasing or re-purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case such Price or Prices shall be ascertained by a Jury in Manner hereinafter directed with Respect to the disputed Value of Lands to be purchased by the said Trustees, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be paid and borne in like Manner as hereinafter directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees as aforesaid, shall be applied for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
of Compensa-
tion where
exceeding
200l.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infants, Lunatics, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase or Redemption of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments, standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Directions and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Intents and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compensa-
tion does not
exceed 200l.
but shall be
above 20l.

XLIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, or belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall be at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General
of

of the High Court of Chancery, and placed to his Account as aforesaid, in order to be applied in Manner hereinafter directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated and approved by such Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Party), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XLV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLVI. And be it further enacted, That in case the Person or Persons to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Three or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then, and in every such Case, it shall and may be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLVII. Pro-

Respecting
disputed
Titles.

XLVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court of Chancery that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

The Court of
Chancery
may direct
the Payment
of Expences.

XLVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Surveyors
may take
Gravel, &c.
in Waste
Grounds,
without pay-
ing for the
same, level-
ling the Pits,
&c.

XLIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making or repairing the said Road, in and out of any River, or Brook, or out of any Waste or Common Grounds in any Parish or Place in or near which any Part of the said Road shall lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be dug, gathered or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by landing, or for going over or through any Lands, Grounds or private Lanes or Roads, for or with such Materials, to be ascertained as hereinafter mentioned; and also that it shall be lawful for such Surveyor or

Sur-

Surveyors, and such Person or Persons as he or they shall appoint, such Surveyor or Surveyors first having an Order in Writing from the said Trustees for that Purpose, to search for, dig, gather, and take away such Materials in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Park, Yard, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted and set out as a Nursery for Trees,) paying such Rates for the Damages done to the Owners and Occupiers of such Grounds when and from whence the same shall be dug, gathered and carried away, or over which the same or any other Materials for the Repair of the said Road shall be carried, as the said Trustees shall adjudge reasonable; and in case any Difference concerning the same, the Justices of the Peace, or the major Part of them assembled at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County of *Derby*, shall and may adjudge and determine the same.

Differences to be settled at the Quarter Sessions.

L. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or other Person or Persons under the Authority of the said Act, to get, take and carry away any Materials for making or repairing the Road from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Residence, to appear before the said Trustees or any Two Justices of the Peace acting for the said County of *Derby*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think meet, authorize such Surveyor or other Person to get, dig, take and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall (except for some reasonable Excuse) neglect or refuse to appear by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit; as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupiers.

LI. And be it further enacted, That it shall be lawful for the said Turnpike Surveyor or Surveyors, and such Persons as he or they shall direct or appoint (such Surveyor or Surveyors having an Order from the said Trustees for that Purpose), to remove and prevent all Nuisances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks or Drains running into, along, on or out of the said Road to the Prejudice thereof, and to open, scour and cleanse any Water-courses and Ditches adjoining to the said Road, and make the same as deep and as large as he or they shall think proper and necessary; and to cut down, lop or top any Trees or Branches growing on the said Road, or in the Hedges or Banks adjoining thereto, and within Five yards of the Centre thereof, and to take and carry away the same, in case the Owner or Owners of the Premises shall neglect to remove the same, and at proper Seasons of the Year to cut down, lop or top and carry away such Trees or Branches as aforesaid, or to open, scour, or cleanse such Water-courses, or Ditches, or to remove such

Surveyors may remove Annoyances, turn Water-courses, &c.

other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and the Charges thereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors by such Owner or Owners, and the same shall be recovered in such Manner as other Penalties and Forfeitures are hereinafter directed to be recovered; and if after Removal of the said Annoyances, any Person shall offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Bridges to be erected.

LII. And whereas there are certain Rivers, Brooks or Rivulets running across the Line of the said intended Road, over which it may be deemed necessary and expedient to erect one or more Bridge or Bridges; be it therefore further enacted, That all and every such Bridge or Bridges shall for and during the Continuance of this Act be made, amended, improved, supported, repaired, and kept in Repair by and out of the Tolls authorized to be taken on the said Roads.

Roads to be measured and Milestones erected.

LIII. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place; as the said Trustees shall think proper; and shall also cause proper Direction Posts to be set up; and if any Person shall wilfully pull up or damage any of such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be thereof convicted before any one or more Justice or Justices of the Peace for the said County of *Derby*, either by the Confession of the Party, or by the Oath of one or more credible Witness or Witnesses, such Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Five Pounds for such Stone or Post so wilfully broken, or pulled up, obliterated or defaced, to be levied and recovered as herein mentioned; and if any Person shall ride upon any Footway adjoining to any Part of the said Road, or shall drive any Horse or other Beast or Cattle, or any Swine, or any Cart or Carriage thereon, or shall cause any Damage to be done to any such Footway, or if the Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones erected for the Security of the said Footway, or drive the Wheels of his Carriage against the same, or on the Side or Sides of the said Footways; or if any Person or Persons shall lay any Hay, Straw, or other Matter, or Thing upon any Part of the said Road to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road, without the Consent of the Surveyor; or if any Person or Persons shall leave any Waggon, Cart, or other Carriage in, upon, or on the Side of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stone, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side thereof (except in case of Accidents), to the Prejudice and Annoyance thereof, or of any Person or Persons travelling thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before any One or more of the Justice or Justices of the Peace for the said County of *Derby*

Derby (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to them for that Purpose, to administer), every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LIV. Provided always, and be it further enacted, That all Persons who by Law are liable to Statute work, or chargeable towards the repairing and amending the Roads hereby directed to be made, widened and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore, and for any Two or more Justices of the Peace for the County of *Derby*, in their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them by the said Trustees, yearly to adjudge and determine what Part or Proportion of Statute-work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute-work as aforesaid, shall be by him, her or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place, are by Law subject and liable to do Statute-work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute-work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be so paid; which List of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute-work as aforesaid, to do such Number of Days' Statute-work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time, order direct or appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute-work as aforesaid, to pay such Proportion thereof as the said Parties shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment of the same, shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute-work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees,

Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject or liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person or Persons who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly or wilfully give in a false or imperfect List, every such Surveyor so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute-work.

LV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute-work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Compensation Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in advance, on or before the Tenth Day of *May* in each and every Year, or otherwiset he Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may direct more Actions at the Expence of the Tolls.

LVI. And be it further enacted, That the said Trustees, or any Three or more of them, at a Meeting to be held, whereof Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Toll-gates or Turnpikes then erected by virtue of this Act, and inserted in some Newspaper circulated in the said County of *Derby*, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the Revenues arising by virtue of this Act, against the Inhabitants of all or any of the Parishes or Places through which the said Road does or shall pass, and against the Hundred liable to repair Bridges, who shall have neglected or refused respectively to pay the same.

LVII. And

LVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or cause or promote to be assaulted, interrupted or hindered any Collector of the Tolls, or any Surveyor or Surveyors, or other Person or Persons by them, or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum or Sums not exceeding Ten Pounds.

Penalty on obstructing the Execution of the A&.

LVIII. And be it further enacted, That if any Person whomsoever shall take away any Materials, which shall have been dug, gotten, or gathered for the Repair or Use of the said Road, or shall raise or carry away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the said Surveyor or their Workmen shall have discontinued working therein for the Space of Twenty Days, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own Use and Benefit, not thereby injuring, obstructing or increasing the Expences of working such Quarry or Pit, for the Use of the said Road, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials raised by Surveyors.

LIX. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for the Surveyor or other Officer duly authorized by the Trustees, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her or them before One or more Justice or Justices of the Peace for the said County of *Derby*, without any Warrant or Authority than this Act for so doing.

Power to detain Persons guilty of Offences.

LX. And be it further enacted, That where any Penalty by this Act mentioned shall be incurred, or any Offence by this Act created shall have been committed, the Method of proceeding in respect to which is not hereinbefore particularly directed, by any One of His Majesty's Justices of the Peace for the said County of *Derby*, may and he is hereby required, upon Complaint and Information to him thereof, to summon before him the Person or Persons against whom such Complaint or Information shall be made, to answer the Matter thereof, and at the Time and Place appointed by such Summons, the Person or Persons complained or informed against appearing before the said Justice, or in case of his or their not appearing, except for some reasonable Excuse, Proof being made upon Oath before the said Justices of the personal Service of such Summons, or that a Duplicate or true Copy of the same was left at the Dwelling-house or last known Place of Abode of such Person or Persons, the said Justice may and is hereby required, whether the said Person or Persons so complained of and informed against do or do not appear, without some sufficient Excuse, to proceed to the Merits of such Complaint and Information; and if such Offence or Offences shall be confessed by the Person or Persons so complained of and informed against, or be duly proved to the Satisfaction of such Justice, by the Testimony of One or more credible Witness or Witnesses upon Oath, such Justice may and is hereby required forthwith to convict such Offender or Offenders, and to adjudge him and them to pay such Penalty or Penalties as he or they shall

Justices to determine certain Penalties.

he therefore liable unto by virtue of this Act; and if such Penalty or Penalties shall not be immediately paid, in case such Offender or Offenders appear personally to answer such Complaint or Information, or in case of his or their Non-appearance to answer such Complaint or Information within Ten Days after Notice of such Conviction given to such Offender or Offenders, or left at his, her or their Dwelling-house, or last known Place of Abode, and Proof thereof, and of the Non-payment of such Penalty or Penalties, made to such Justice upon Oath, such Justice shall and he is hereby authorized and required, by Warrant under his Hand and Seal to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made pursuant to such Warrant to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice; and in case such Penalty or Penalties, and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless the said Penalties and such Costs and Charges as aforesaid shall be sooner paid, or such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition which the said Trustees are hereby empowered to make and accept.

Application
of Penalties.

LXI. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed (other than and except such Part or Parts thereof as are by this Act otherwise directed to be paid) shall be paid to the said Trustees, their Treasurer or Surveyor, or other Person or Persons by them appointed to receive the same, and shall be applied for the Purposes of this Act; and that it shall be lawful for the said Trustees from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety thereof, or any of them, to and for the Use of the Informer or Informers of any Person or Persons taking, seizing or assisting therein, any Thing herein contained to the contrary notwithstanding.

LXII. And be it further enacted, That Convictions for Offences against this Act may be drawn up in the following Form, or to the like Effect; (that is to say)

Form of Con-
viction.

County of } **BE** it remembered, That on the [*here insert the Day of the*
Month, Year of our Lord, and of the King's Reign]
is convicted before me
one of his Majesty's Justices of the Peace for the County
of Derby, on his own Confession [*or, on the Oath of*
a credible Witness, *as the Case may be,*] of [*here insert*
the Offence, and the Time and Place when and where the same was com-
mitted,] contrary to an Act passed in the Fifty first Year of the Reign
of King George the Third, intituled, [*here insert the Title of this Act*].
and the said Justices do adjudge the said

to

to have thereby incurred the Penalty of ... to be paid, recovered, and applied in Manner directed by the said Act. Given under my Hand and Seal the Day and Year aforesaid.

Which Conviction shall be valid and effectual to all Intents and Purposes.

LXIII. Provided always, and be it further enacted, That in case any Person or Persons shall think himself, herself; or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County of *Derby*, unless such Cause for Appeal shall arise within Fourteen Days next before such General Quarter Sessions of the Peace to be held for the said County, in which Case such Appeal shall be brought at the Second Quarter Sessions then next after, and the Justices of the Peace at either of the said Sessions are hereby authorized and required to take Cognizance thereof, and to determine the Complaint of every such Person in a summary Way, and if they see Cause may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties aforesaid, or vacate and set aside the said Conviction, and set the Party at Liberty, or otherwise may verify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgments in regard to the Premises as they shall think fit; but the Person or Persons so appealing shall give Notice in Writing to the Clerk or Clerks of the said Trustees, of such his, her, or their Intention of bringing such Appeal, and of the Cause or Matter thereof, Eight Days before the said Quarter Sessions, and shall also enter into a sufficient Bail before One or more Justice or Justices of the Peace for prosecuting such Appeal, and abiding such Order as shall be made therein.

Appeal to
Quarter Sessions.

LXIV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act shall be quashed or vacated for want of Form, or be removable by *Certiorari*, or any other Writ or Writs, or Process, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form, nor removed by *Certiorari*.

LXV. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Offence committed, or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the County where the Cause of Complaint shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall or may plead the General Issue, and give this Act and the special Matter thereof in Evidence at any Trial to be had thereon, and that the same was done in pursuance and by the Authority of this Act; and if it shall so appear to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared,

Limitation of
Actions.

peared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have by Law in any other Case.

Subscribers
to pay their
Subscription
Money.

LXVI. And be it further enacted, That the several and respective Persons who have subscribed or may subscribe any Money for and towards making, repairing and improving the said Road, shall and are hereby required to pay the Sum or Sums of Money, so by them respectively subscribed, in such Parts and Proportions, within such Time or Times, and to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees to sue for and recover the same, either in their own Names or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Law at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, Wager at Law or more than One Imparance shall be allowed.

Public Act.

LXVII. 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, without being specially pleaded.

Commence-
ment and
Term of Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.