



ANNO TRICESIMO NONO

GEORGI III. REGIS.

Cap. 14.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and increasing, altering, and enlarging the Powers, of Two several Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and in the Fourth Year of the Reign of His present Majesty, for repairing and widening the Road from the West End of the Town of *Burton-upon-Trent*, in the County of *Stafford*, through the said Town, to the South End of the Town of *Derby*, in the County of *Derby*. [21st March 1799.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Preamble.
Reign of His late Majesty King *George* the Second, intituled, 26 Geo. II.
An Act for repairing and widening the Road from the West End
of the Town of Burton-upon-Trent, in the County of Stafford, through the
said Town, to the South End of the Town of Derby, in the County of Derby:
And whereas another Act was passed in the Fourth Year of the Reign of 4 Geo. III.
His present Majesty King *George* the Third, for continuing and enlarging,
the Term and Powers of the said former Act: And whereas the Trustees
[*Loc. & Per.*] *S f* appointed

Acts further
continued.

appointed in or by virtue of the said Acts have proceeded to put the same in Execution; for which Purpose they have borrowed considerable Sums of Money on the Credit thereof, which still remain due, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term and Powers of the said Acts be further continued and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Fourth Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained, (except such as relate to Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed), shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein-contained, and which shall commence and take Effect upon the First Day of *April* One thousand seven hundred and ninety-nine; and this Act, and the additional Term hereby granted, shall be, and are hereby made subject to the Payment of all Money now due and owing upon the Credit or on Account of the said former Acts, or hereafter to be borrowed on the Credit of the said former Acts and this Act, and of all Interest due and to grow due for the same.

Trustees.

II. And be it further enacted, That *Henry Bathurst, John Borrow, Henry Browne, Thomas Browne, Francis Bruckfield, John Clarke Clerk, William Cooper, John Cox, John Crompton, Erasmus Darwin the younger, John Drewry, Nathaniel Edwards, John Evans, Thomas Eley, Sir Henry Every Baronet, Richard Forrester Forrester, Francis Fox, William Bennett Garlike Doctor of Physick, William Phillips Hadley, Henry Hadley, Ellis Henry Clerk, Charles Stead Hope Clerk, Abraham Hoskins the younger, William Johnson Doctor of Physick, John Killer, Richard Leaper, William Jeffery Lockett, Ashton Nicholas Moseley, William Marshall, James Oakes, William Parker, Henry Peach Clerk, Joseph Pickford, Sacheverell Pole, Edward Pole Clerk, John Port, William Pritchard, Samuel Richardson, Henry Richardson, William Simpson Doctor of Physick, Robert Simpson, William Snowden, John Storer, John Trowell, Thomas Francis Twigge Clerk, Archer Ward, Edward Ward, Sir Robert Wilmot of Chaddefdon, Baronet; Sir Robert Wilmot of Osmaston, Baronet; Edward Whitby, William Wilson, Benjamin Wilson, Joseph Wilson, William Wright, William Worthington, Thomas Worthington, and Samuel Wyatt*, shall be, and are hereby added to and joined with the Trustees appointed by and in pursuance of the said former Acts, for putting the same and this Act into Execution; and the Trustees herein nominated, and their Successors, are hereby empowered to act in the Execution of the said former Acts and of this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said former Acts, or either of them.

III. And

III. And whereas by the said Act of the Twenty-sixth Year of His late Majesty, it is provided and enacted, That no Person or Persons shall be liable to pay Toll more than Once, who shall pass or return through all or any of the Gates or Turnpikes erected on the said Road the same Day before Twelve of the Clock at Night, with the same Horse or other Cattle, Coach, Waggon, or other Carriage, and should produce a Ticket that the Toll was paid at any of the said Gates or Turnpikes: And whereas the Tolls by the said recited Acts authorized to be taken, are found insufficient for carrying the same into effectual Execution; be it therefore further enacted, That the said recited Proviso and Restriction shall be, and the same is hereby repealed.

The Proviso in 26 Geo. II, respecting the Payment of Toll only Once a Day, repealed.

IV. Provided always nevertheless, and it is hereby enacted, That no more than One full Toll and an Half shall be demanded or taken in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for the Passage of any Horse or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Gates or Turnpikes erected or to be erected upon, across, or on the Sides of the said Road; that is to say, One full Toll at the First of such Gates or Turnpikes through which such Horse or other Cattle, Coach, Waggon, or other Carriage shall pass; and One Half Toll at the last of the said Gates or Turnpikes through which such Horse or other Cattle, Coach, Waggon, or other Carriage shall pass; but that all and every Person and Persons having paid the said One Toll and an Half, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such One Toll and an Half (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of such Tolls) shall pass and repass with the same Horse or other Cattle, Coach, Waggon, or other Carriage, Toll free, during such Day, through all the Gates or Turnpikes erected or to be erected upon, across, or on the Sides of the said Road.

No more than One Toll and a Half to be taken in One Day.

One Toll at the First Gate;

and One Half Toll at the last Gate.

V. And be it further enacted, That the said Tolls by this Act authorized to be taken shall be, and the same are hereby vested in the Trustees of the said Road; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assessed, lessened, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions as are contained in the said former Acts, or either of them, respecting the Tolls thereby authorized to be taken.

Tolls to be collected and applied in such Manner as directed by former Acts.

VI. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of the said Acts and this Act, or any of them, for any Cattle or Carriage employed in conveying Dung, Lime, or any other Manure, for the manuring of Lands or Grounds in the Parish of *Mickleover*, or in the Parish of *Littleover*, in the said County of *Derby*; any Thing in the said Acts, or either of them, or in this Act contained to the contrary thereof in anywise notwithstanding.

Exemption for Cattle and Carriages employed in conveying Manure for the Parishes of *Mickleover* and *Littleover*.

Trustees may
lease the
Tolls.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, on giving Notice in Writing, to be fixed on all the Gates or Turnpikes which shall be then erected upon the said Road, and also in the *Derby* Newspaper, of their Intent to let such Tolls, at least Ten Days before their Meeting for such Purpose, and from Time to Time, by Writing under their Hands and Seals, to demise and lease the Tolls by the said Acts and this Act granted and made payable, or any Part of such Tolls, to any Person or Persons; from Year to Year, or for any Term of Years not exceeding Three Years at any One Time, for the best Price or yearly Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them, shall direct or appoint; which Monies so to be paid shall be applied and disposed of as the Tolls by this Act authorized to be taken are directed, and to no other Use or Purpose whatsoever.

For lessening
the Tolls.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the said Tolls, and for such Time or Times as they the said Trustees or any Seven or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the Tolls by the said first-recited Act and this Act granted; and the said Trustees, or any Seven or more of them, may from Time to Time direct the Tolls hereby and by the said recited Acts authorized to be taken, or when so reduced as aforesaid, to be collected in such Parts and Proportions, at the several Gates or Turnpikes, as they the said Trustees, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time unless the Person or Persons who shall be entitled to Three Fourths of the Money which shall be then due and owing on the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at least shall be given in Writing, to be affixed upon all the Gates or Turnpikes which shall then be erected upon the said Road, and also in the *Derby* Newspaper.

Clause in the
former Act,
for enforcing
the Perform-
ance of Sta-
tute Labour,
repealed.

For obliging
the Parish
Surveyors to
deliver in
Lists of Per-
sons liable to
do Statute
Work, and
for enforcing
the Perform-
ance thereof.

IX. And whereas the Powers and Provisions contained in the said first-recited Act, for enforcing the Performance of Statute Labour on the said Road, have been found defective; be it therefore enacted, That the same shall be and are hereby declared to be repealed.

X. And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the several Parishes, Townships, and Places, in which any Part of the said Road doth or shall lie, and where, or in, or for which any Surveyor or Surveyors usually have been or ought to be chosen, shall and they are hereby required, within Twelve Days after Notice in Writing, signed by the Clerk or Surveyor to the said Trustees, shall

appointed, or shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor and Surveyors is and are hereby empowered to remove and turn off such Person and Persons, and in that Case the respective Forfeitures and Payments before mentioned shall be incurred and become payable as if such Person or Persons had refused or neglected to come, or such Team or Draught had not been sent out.

Form of
Mortgage to
be used by the
Trustees for
borrowing
Money.

XI. And be it further enacted, That all Assignments or Mortgages of the Tolls which shall be hereafter made by virtue of the said Acts and this Act, shall be in the following Words, or any other Words to the like Effect; (*videlicet*),

‘ BY virtue of Three several Acts, made in the Twenty-sixth Year
‘ of the Reign of His late Majesty King *George* the Second, and
‘ in the Fourth and Thirty-ninth Years of the Reign of His present
‘ Majesty, for repairing and widening the Road from the West End of
‘ the Town of Burton upon-Trent, in the County of Stafford, through
‘ the said Town to the South End of the Town of Derby, in the County
‘ of Derby, We of the Trustees for exe-
‘ cuting the said Acts, in Consideration of the Sum of
‘ to the Treasurer of the
‘ said Road in Hand paid, do grant, bargain, sell, and demise, unto
‘ *A. B.* his Executors, Administrators, and Assigns, such Proportion
‘ of the Tolls arising upon the said Road, and 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 of the said Acts; to be had and holden from
‘ this Day of in the Year of our
‘ Lord for and during
‘ the Continuance of the said Acts, unless the said Sum of
‘ with Interest at the Rate of
‘ *per Centum*, shall be sooner repaid and satisfied.’

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 all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts, or either of them, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, and Interest, or Benefit to the said Mortgages, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; *videlicet*,

Form of
Transfer.

‘ I Do transfer this Mortgage, with all my Right and Interest to the
‘ Principal thereby secured, and to all Interest now due upon the same,
‘ unto Executors, Administrators, and Assigns.
‘ Dated this Day of

‘ *A. B.*’

Which

Which Transfer shall be produced and notified to the Clerk or Treasurer within Twenty-one Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, and Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence, 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 and transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of any Monies advanced; and the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any Mortgages or Assignments now standing out that were made by virtue of the said former Acts or either of them, and give and execute another or others for the respective Sums, in Manner and transferrable as above-mentioned, in lieu thereof respectively.

XII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk; and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of the said former Acts or of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said former Acts or of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of the said Acts and this Act, all such Costs and Charges, Damages and Expences, as by the Event of any such Proceedings he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

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

XIII. And be it further enacted, That if there shall not appear at any Meeting of the said Trustees a sufficient Number of Trustees to act or adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, the Clerk to the said Trustees shall adjourn the Meeting to such Time and Place, on or near the said Road as he shall think fit, not exceeding as to the Time the Distance of Two Calendar Months from the last Default, and shall give Notice thereof in Writing, affixed on all the Gates and Turnpikes on the said Road, at least Ten Days before the next Meeting; and in case no Adjournment,

Clerk may adjourn Meetings in case Trustees do not attend;

and in case the Clerk omits, Truf-

of such Surveyor, or of the Clerk of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, in Writing under their Hands, shall be reimbursed and paid to such Surveyor by the Person or Persons so refusing or neglecting as aforesaid; and in case any Person shall not upon Demand pay and reimburse to such Surveyor, such Charges as aforesaid, it shall and may be lawful for such Surveyor, by Warrant under the Hand and Seal of any Justice of the Peace (which Warrant any such Justice is hereby empowered to grant) from Time to Time to levy the said Charges upon the Person so refusing or neglecting as aforesaid, by Distress and Sale of his or her Goods and Chattels, returning the Overplus (if any) after all Charges paid, to the Owner thereof upon Demand; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, such Person shall, for every such Offence, forfeit any Sum not exceeding Three Pounds nor less than Forty Shillings; and if any Person shall leave any Waggon, Cart, or other Carriage, or Implement of Husbandry, in, upon, or by the Side of any Part of the said Road, without any Horse or other Beast of Draught harnessed thereto, or to draw the same, or shall leave any Sort of Timber, or any Hay, Straw, Dung, Manure, Lime, Marl, Soil, Rubbish, or Thing whatsoever, in or upon any Part, or on the Side or Sides of the said Road, or shall plow, dig, break up, or carry away, any Turf, Soil, or Gravel from the Side or Sides of the said Road, without the Leave or Consent of the Surveyor of the said Road, or shall stop up, obstruct, turn, or alter any Watercourse or Drain which shall be made or opened by the Side of the said Road, for the Purpose of washing or draining the said Road or any Part thereof, to the Prejudice or Annoyance thereof, or shall carry Bars or Rods of Iron across the Back of any Horse, Mare, Gelding, Mule, or Ass passing along the said Road or any Part thereof, or shall, by riding or leading Horses, or by driving any Sort of Cattle, or otherwise, break down, injure, destroy, or hurt, any Causeway, Arch, Culvert, Bridge, or Aqueduct belonging to the said Road, then and in every such Case every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

XVI. And be it further enacted, That all Charges and Expences of obtaining and passing this Act, together with Interest for all Money which shall be advanced from Time to Time for that Purpose, shall be defrayed out of any Money already collected or received by virtue of the said former Acts or either of them, or out of the first Monies to arise by virtue of the said former Acts and this Act, in Preference to all other Payments whatsoever.

For paying
Expences of
the Act.

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

Publick Act.

[*Loc. & Per.*]

U u

XVIII. And

Term of this
Act.

XVIII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the said First Day of *April* One thousand seven hundred and ninety-nine, cease and determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth continue and be 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. 1799.