



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 31.

An Act for making and maintaining a Road from the *Wirksworth* Turnpike Road, in the Hamlet of *Ideridgebay*, to the Town of *Duffield*, in the County of *Derby*. [14th April 1808.]

WHEREAS the making, maintaining, and keeping in Repair a Turnpike Road from and out of the present Turnpike Road, from the *Cross o'th' Hands on Hulland Ward* to *Wirksworth* at or near a Field in the Hamlet of *Ideridgebay*, the Property of *William Alsop*, and from thence through the Townships of *Shottle*, *Postern*, *Hazlewood*, *Windley*, and *Duffield*, to the Town or Village of *Duffield*, all in the County of *Derby*, will be of great Advantage to the Inhabitants of the adjacent Country; and by opening a nearer and more convenient Communication between the Towns of *Derby* and *Wirksworth* aforesaid, will be of great publick 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 Lord *George Augustus Henry Cavendish*, the Honourable *Nathaniel Curzon*, the Honourable *David Francis Curzon* Clerk, Sir *Robert Wilmot* of *Chaddestdon*, Baronet, the Mayor of the Borough of *Derby* for the Time being, *Richard Arkwright*, *Richard Arkwright* the younger, *Robert Arkwright*, *Peter Arkwright*, *John Adsetts*, *William Alsop*, *Robert Alsop*, *William Alsop* the younger, *Richard Bakeman*, *John Balguy*, *John Balguy* the younger, *Brian Balguy*, *Charles Broadhurst*, *Francis Bradshaw* Clerk, *William Barber* Clerk, *Thomas Barber*, *Francis Bruckfield*, *John Blackwall*, *Robert Blackwall*,

Appointments
of Trustees.

[Loc. & Per.]

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William

William Bradshaw, William Brittlebank, Thomas Brace, John Bennett, George Bowmer, Nathaniel Bowmer, Henry Brown, Thomas Brown, James Bellairs, John Bower, William Cavendish, Daniel Parker Coke, John Crompton, John Bell Crompton, Gilbert Crompton, John Chaloner Clerk, Edward Cox, John Cox, Thomas Cox, Rodger Cox, John Curzon, Thomas Chamberlain, Robert Cresswell, John Chatterton, Joseph Collinson, Paul Calton, John Drewry, Robert Dannah, Thomas Evans, Edmund Evans, Walter Evans, Nathaniel Edwards, William Eaton, Richard Forrester Forrester, Thomas Foulks, William Fox, Walter Ford, John Ford, Philip Gell of Hopton, Philip Gell of Wirksworth, William Gell, Philip Gell Clerk, Thomas Gell Clerk, Benjamin Gell, John Charles Girardott, William Greaves, Anthony Goodwin, Francis Green Goodwin, Benjamin Granger, Thomas Ley Greaves, Thomas Grayson, George Garratt, Thomas Gamble, Edward Griffin, Joshua Gregory, David Gregory, Francis Hurt, Charles Hurt, Charles Hurt the younger, Richard Hurt, Nathan Hubbersty Clerk, Charles Stead Hope Clerk, John Hope, Robert Hope, John Heaton, Stephen Hall, Thomas Hall, John Harrison, Henry Philip Hadley, Richard Holden, Nathaniel Hill, Thomas Hough, George Hen, Edmund Hodgkinson, John Horrocks, Joseph Handford, John Heap, Edward Haslam, Richard Paul Joddrell, Rickards Ince, Francis Jessop, James Northage James, Walter Jessop, Charles Johnson, Edward Jackson, Matthew Johnson, Thomas Knowlton, Adam Killer, Michael Kean, William Jeffery Lockett, Richard Leaper, William Longsdon, Thomas Lowe, Henry Lowe, Thomas Thomas, William Lane, Edward Miller Mundy, Francis Noel Clark Mundy, Francis Mundy, Thomas Mather of Bonfall, Edward Mather, Thomas Mather, Joseph Mather, John Madkin, John Milward, Robert Millington, George Storer Mansfield, Thomas Marshall, John Leaper Newton, Robert Newton, William Newton, James Norman, John Nuttall, George Nuttall, Samuel Nuttall, William Nuttall, Thomas Newton, George Oldham, James Oakes, George Oakley, Henry Peach Clerk, George Pearson, James Poyzer, Peter Peal, Samuel Richardson Radford, Henry Richardson, Samuel Richardson, Benjamin Rickards, Thomas Roebuck, Samuel Rowland, George Benson Strut, Henry Strut, William Strut, William Snowden, Joseph Sandars, Joseph Sandars junior, John Sandars, Robert Sykes, James Swettenham, Robert Simpson, John Simpson, William Statham, William Statham the younger, Isaac Statham, Thomas Saxelby, Richard Smith, John Smith, William Sherwin, John Smedley, Thomas Smedley, William Smedley, Francis Smedley, Samuel Saint, Richard Smith of Stone Bridge, John Snibson, Thomas Swinburne, John Toplis, Ralph Toplis, William Taylor, William Toplis, John Tempest, Jarvis Turner, Henry Turner, Jarvis Turner the younger, Thomas Turner, Charles Upton, John Udall, Thomas Udall, Thomas Vickers, Edward Ward, Adam Wolley, Robert Wood, William Winrow, Charles Wright, Francis Walker, John Wright, William Wright, Joseph Wilshaw, William White, Humphrey Winson, John Williamson, Samuel Williamson, James Yeomans, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for making, maintaining, 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-before named, or to be elected in Manner herein-after mentioned, shall die, or by Writing under their Hands shall refuse to act in the Execution of this 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 publick Notice of meeting for every such Election being

For appoint-
ing new
Trustees.

being given in some Newspaper 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 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 publick Entertainment, or hold any Place of Profit under this Act, nor in any particular 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 County of *Derby*, of the clear Yearly Value of Fifty Pounds above Reprises, 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 herein-after 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,

Qualification
of Trustees.

‘ I do swear [or, being One of the People called *Quakers*, do solemnly affirm] that I truly and *bona fide* am in my own Right [or, in Right of my Wife] in the actual Possession and Enjoyment [or, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments in the County of *Derby*, of the clear Yearly Value of Fifty Pounds above Reprises, 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 Reprises. ‘ 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, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance 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 Prosecutor 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

Penalty on
acting if not
qualified.

Acts done
before Con-
viction to be
valid.

Mortgagees
may act.

Trustees in
Commission
of the Peace
may act as
Justices.

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

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

III. 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 one of the said Trustees, and that no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name 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, 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.

Clerk to be
repaid his
Expences.

Time and
Place of First
Meeting of
Trustees.

IV. And be it further enacted, That the said Trustees or any Three or more of them shall meet at the *Red Lion Inn* in *Wirksworth* aforesaid, as soon after this Act shall have received the Royal Assent 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 Newspaper 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 Election of a Clerk, and 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 Five 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 said 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 Newspaper 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 was 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 to the said Trustees shall neglect or refuse to give such Notice or by any Means shall be prevented from giving Notice as aforesaid, it shall be lawful for any 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 their Meetings shall defray their own Expences: Provided always, that no Act, Order, or Proceeding of the said Trustees shall

Trustees to
bear their
own Ex-
pences.

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 Meeting, nor unless a Majority of Three-fourths of the Trustees present at such Meeting shall decide in Favour of such Revocation or Alteration.

V. 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 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 Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Meetings on Emergencies.

VI. 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 all 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.

VII. 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 a 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 shall take such Security 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 Persons as shall be assisting in

Trustees may appoint Officers.

[*Loc. & Per.*]

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and

and about the Execution of this Act, as to the said Trustees shall seem proper.

Officers to
account on
Oath.

VIII. 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 the Accounts upon Oath; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account 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 said 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 Goods or Chattels shall not 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 Justice 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.

Oath as aforesaid, or to produce and deliver to the said Justice 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 Justice 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.

IX. 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 said 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 or 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 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

Trustees to
appoint
temporary
Collectors.

them, or their Clerk or their new appointed Officer, into the Possession thereof with the Appurtenances.

Power to erect
Turnpikes and
Toll Houses.

X. And be it further enacted, That the said Trustees shall and may erect and set up or cause to be erected and set up Two or more Toll Gates or Turnpikes in, upon, and across the said Road, provided that One Toll only be taken thereat (except as herein-after mentioned) and also may erect and set up or cause to be erected and set up across or on the Sides or Side of any Part of the said Road, and also across any Lane or Way leading into the same, as many Side Gates or Turnpikes as they shall think proper, with a Toll House and proper necessary Buildings, Gardens, Conveniences, and Fences near to each such Gate or Turnpike, whether across the said Road or on the Side thereof (except also as herein-after mentioned) and that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint, at each of the said Gates or Turnpikes; that is to say,

Tolls.

For every Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whisky, 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.

And 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 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 Three Halfpence:

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 *per* Score; and so in proportion for any less Number.

Sunday Toll.

XI. 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 the *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 Toll or Sum which may be demanded or taken for the same respectively on any other Day by virtue of this Act; which said respective Tolls shall be and are hereby vested in the said Trustees; and if any Person or Persons subject to the Payment of any 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

Manner of
Recovery.

to seize or distrain any Horse or Horses, or other Beasts or Cattle upon which such Toll is by this Act imposed, together with their Bridles, Saddles, Geers, 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 be) and what shall remain unsold on Demand to the Owner thereof, after such Tolls 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 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.

XII. 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 Person 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 for 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 Witness 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 he shall be obliged to return any Distress or the Overplus Money after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XIII. 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.

XIV. 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 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

Collectors of Tolls to put their Names Front of the Toll Houses.

[Loc. & Per.]

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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.

Application
of the
Money.

XV. 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 defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue hereof, and to no other Use or Purpose whatsoever, except as herein-after mentioned.

Tolls to be
taken but
once for
passing and
repassing.

XVI. Provided always, and be it further enacted, That no Person who shall have paid One whole Toll for passing through any Toll Gate or Turnpike, to be erected by virtue of this Act, shall be subject to any Toll for returning through such Toll Gate or Turnpike once on the same Day before Twelve of the Clock at Night, but shall so return Toll-free.

Tolls may be
compounded
for.

XVII. 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.

Trustees may
lessen the
Tolls and
raise them
again if neces-
sary.

XVIII. 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 so reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be no Prejudice to and be with the Consent of Three-fourth 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 herein-before granted; and such Tolls so reduced and raised again respectively, shall be collected, recovered, and applied in the same Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

Penalty for
disposing of
Tickets to
avoid the
Tolls.

XIX. 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

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.

XX. Provided always, and it is hereby enacted and declared, That no Toll shall be demanded or taken for any Cattle or Carriages 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, Marl, Soil, or other Manure (except Lime from the Thirty-first Day of *October* to the Thirtieth Day of *April*) to be used in manuring any Lands or Grounds; or with Corn going to be ground or returning from being ground at *Postern* Mill for the private Use of the Occupiers of Farms and Lands in *Shottle* and *Postern* aforesaid, and not for Sale, or with any Grass, Hay, Santfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houses, Outhouses, 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 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 of or from any Rector, Vicar, or Curate going to or returning from his own private Church or other Place of Divine Worship, 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 on any other Day 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 Post Master General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers upon their March or upon 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 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 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 or Volunteer Cavalry, 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 Exemption

emption 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 Five Pounds.

Trustees may
let the Tolls.

XXI. 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 and 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 publick Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times and to such Person or 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.

XXII. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting after such Notice, to let to farm either with or without the Tolls by this Act authorized to be taken, the Weighing Engines which may be erected by virtue of the said Act passed in the Thirteenth Year of the Reign of His present Majesty, 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.

Enabling the
Trustees to
take Posses-
sion of the
Toll Houses
when let to
farm.

XXIII. 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, by 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 utterly 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 Trustees in every

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.

XXIV. 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 Carriage; or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or private Way, with any Horse, 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 or cause to be taken 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.

Penalty on
Evasion of
Tolls.

XXV. 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.

Power to
remove Gates
and Toll
Houses.

XXVI. 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 of such Toll Gates, Turnpikes, Toll Houses or other Buildings, Materials, or other Things as aforesaid,

Turnpikes and
Toll Houses
vested in
Trustees.

[*Loc. & Per.*]

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aforesaid, or disturb the said Trustees or any of them, or any of their Collectors or other Officers in the Possession thereof, or of any of them.

Power to borrow Money.

XXVII. 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 Two thousand 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 Assignments shall be in the Form or to the Effect following; *videlicet*,

‘ BY virtue of an Act made in the Forty-eighth 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, 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 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.’

Mortgages to be entered in a Book

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 said Book or Books shall and may at all seasonable 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 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 or her 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 or her Hand, before one 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
 ‘ Executors, Administrators, and Assigns. Dated this
 ‘ Day of

Which

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 before mentioned 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 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 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 and 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.

XXVIII. 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, and from Time to Time to contract with any Person or Persons for the Purchase or Exchange 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 Road 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 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 Interests 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 made as aforesaid, shall be valid and binding upon all Persons and for all Intents and Purposes whatsoever; but this Act shall not extend to the taking down of any Dwellinghouse or other Building, or to the taking in of 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 Site of any Manufactory, or Reservoirs; Railways, Timber Yards, Coal Yards, or other inclosed Repositories thereto belonging, without the Consent of the Owner or Proprietor thereof.

XXIX. 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 therefore enacted, That

Trustees may alter or widen Roads.

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

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 the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making 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 Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make the Road through Grounds although the Owner's Names are not in the Book of Reference.

XXX. 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 Land 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 purchase.

XXXI. And be it further enacted, That if any Person or Persons whomsoever entitled to or interested in any Lands, Messuages, Buildings, or Hereditaments, which the said Trustees shall think necessary to be purchased 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 if by reason of their or any of their Absence or distant Residence from the Lands intended to be purchased, he or they cannot be conveniently applied to or treated with for that Purpose; or if on treating, he or they shall not agree with the said Trustees for the Price of such Land, then and in either of such Cases the said Trustees may and are hereby empowered, by a 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, thereby setting forth

forth the Natures, 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 Twelve 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 be conveniently 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 Oaths 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 Values 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 Values of the respective Lands that shall have been given them in charge to inquire 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 said Lands or Hereditaments; and such Findings of the Juries and Judgements of the said Trustees shall be finally binding and conclusive to all Infants, Females Covert, and other Persons 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 Jurymen 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 Matters that shall have been 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, Jurymen and Witnesses, shall for every such Refusal, Neglect, or Offence, forfeit and pay any Sum not exceeding Three Pounds.

XXXII. 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 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 Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or if the Monies assessed and adjudged to be the Value of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries to the Person or Persons entitled to the same, or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the Clerk of the Peace for the said County of *Derby* or his Deputy, for the Use or Uses of the Person or Persons entitled thereto, it shall be lawful for the said Trustees to enter

Conveyances
to be regis-
tered in a
Book.

[*Loc. & Per.*]

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upon

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.

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

XXXIII. 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 or Satisfaction for any such Rights, 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 a Time and 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 a Payment and Tender of the whole Sum so assessed and adjudged; or otherwise such Costs and Expences, in case the same shall not be paid 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 herein-after provided for recovering 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.

Trustees may
sell,

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees to sell and dispose of any Land which they may have purchased over and above what may be necessary for the Purposes 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 Road, 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; and in case such Person or Persons respectively shall

shall not then and thereupon agree (except with respect to and on account of the Price thereof as herein-after 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 Offer, Non-agreement, and Refusal of, an Affidavit to be made and sworn before a Master Extraordinary in 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 the 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 desirous 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 herein-before 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 borne and paid in like Manner as herein-before 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.

XXXV. 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, Infant, Lunatic, 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *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 Incumbrance 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 Direction 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, Trusts, 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 Court of Chancery upon Application thereto, be
invested

Application of
Compensation
where exceed-
ing 200l.

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 Compensation does not exceed 200 l. but shall be above 20 l.

XXXVI. 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 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 Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the 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.

Application where the Money is less than 20 l.

XXXVII. 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.

In case of not making out Titles.

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered 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

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 Privy 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 thereunto, 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.

Or if Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Chancery, on Motion or Petition.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy 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 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 herein.

Respecting disputed Titles.

XL. 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

The Court of Chancery may direct the Payment of Expences.

[*Loc. & Per.*]

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reasonable,

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.

Roads to be
stopped up.

XLI. 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, to stop up and discontinue, or cause to be stopped up and discontinued, a certain Lane leading from *Duffield* towards *Farnah*, between the South eastwardly Corner of an Inclosure belonging to *John Balguy*, Esquire, called *Scarf-dale*, and the Place at which the said Lane will be crossed by the said intended Road; also a certain other Lane from *Duffield* towards *Wingley* between a Barn belonging to *William Barber*, Clerk, and a House belonging to *Walter Ford*; also such Part of a Lane called *Shottle Lane*, as lies between the said Turnpike Road in *Iderigdebay* and the Place where the said intended Road will communicate with the said Lane; also a certain Bridle Road leading out of *Windley Lane* near the said House, belonging to the said *Walter Ford*, and proceeding from thence by a Mill belonging to *William Winrow* to *Duffield*; and also a certain other Bridle Road leading from the present *Wirksworth* Turnpike Road over the Estate of *William Statham* to the Foot of the Hill from *Cow-house Lane* to *Turnditch*, and from thence through *Postern* over the Estate of his Grace the Duke of *Devonshire* into the public Highway at the Top of *Windley* (which said several Lanes and Bridle Roads will, if this Act should pass into a Law, become useless and unnecessary); 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 up the said several Lanes and 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 remaking such Gate or Gates, Rail or Rails, Fence or Fences.

Persons
chargeable to
Statute Work
to continue
so.

Justices to
determine
Differences
touching
Statute
Work.

XLII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said 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 the 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

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 Lists 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 Justices 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, 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, 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 and 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 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 hereby 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 Parts of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road, 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 Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

XLIII. 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

Trustees may compound for Statute Work.

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 Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer 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 otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may direct Prosecutions at the Expence of the Tolls.

XLIV. And be it further enacted, That the said Trustees 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 repair the same.

Surveyors may remove Annoyances, turn Watercourses, &c.

XLV. 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 Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Road to the Prejudice thereof; and to open, scour, and cleanse any Watercourses 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 Bushes 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 to cut down, lop or top and carry away such Trees or Bushes as afore-said; or to open, scour, or cleanse, such Watercourses or Ditches, or to remove such 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 herein-after directed to be recovered; and if after Removal of any of the said Annoyances any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Causeways, cut Drains, &c.

XLVI. 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 Watercourses upon
or

or under the said Road contiguous or advantageous thereto, and also to cut 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, 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 and Occupiers of such Grounds respectively wherein or whereon any such Works 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 or Occupiers and the said Trustees, that then 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 settle, 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.

Making Satisfaction for the same.

XLVII. 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, Sands, 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 herein-after mentioned; and also that it shall be lawful for such Surveyor or 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 apart as a Nursery for Trees) paying such Rates for the Damages done to the Owners and Occupiers of such Grounds where 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 of 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, from which Determination there shall be no Appeal.

Surveyors may take Gravel, etc. in Waste Grounds without paying for the same, levelling the Pits, etc.

also out of private Grounds, by Order of the Trustees, on paying for the same.

Differences to be settled at the Quarter Sessions.

[Loc. & Per.]

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XLVIII. Provided

Surveyors not
to carry away
Materials out
of private
Grounds,
without giv-
ing Notice to
the Occupiers.

XLVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyors or other Person or Persons under the Authority of this Act, to get, take, and carry away any Materials for making or repairing the said 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 Justice 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.

Penalty on
taking away
Materials
raised by
Surveyors.

XLIX. 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 Surveyors 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 Expence 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.

Roads to be
measured and
Milestones
erected.

L. 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 each Stone or Post so wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; and if any Person shall ride upon the 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 Footways, or drive the Wheel of his Carriage against the same, or on the Side or Sides of the said Footways;
or

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 Stones, 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 or Sides thereof (except in case of Accidents) to the Prejudice or 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 Witnesses or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Derby* (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made 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.

LI. 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 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 Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Road.

LII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or 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 any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

LIII. 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 Surveyors or other Officers 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 other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special

Power to detain Persons guilty of Offences.

Special Sessions to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for want of sufficient Security, to commit the Person or Persons so offending to the House of Correction for the said County of *Derby*, for any Time not exceeding Six Months, or until he, she, or they shall pay the Penalty by him, her, or them incurred for such Offence or Offences, or shall give such Security as aforesaid.

Justices to determine certain Penalties.

LIV. And be it further enacted, That when any Penalty by this Act imposed shall be incurred, or any Offence by this Act created shall have been committed, the Method of Proceeding in respect to which is not herein-before particularly directed, 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 Justice 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 complained of or informed against do or do not appear, to proceed to examine 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 be 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 and 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

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.

LV. 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 of them or any of them, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing or assisting therein, any Thing herein contained to the contrary notwithstanding.

Application
of Penalties.

LVI. 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)

County } B.E. it remembered, That, on, the [here insert the Day of the
of } Month, and the 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 specify the Offence, and the Time and Place when and where the same was committed] contrary to an Act passed in the Forty-eighth Year of the Reign of King George the Third, intituled, [here insert the Title of this Act] and I the said Justice do adjudge the said 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.

Form of
Conviction.

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

LXVII. 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 held 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 ratify and confirm the same with such Costs as to them shall seem reasonable,

Appeal to
Quarter
Sessions.

[Loc. & Per.]

5 Y—Z

and

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.

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

LVIII. 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 of Process, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Limitation of
Actions.

LIX. 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 into the County where the Cause of Complaint shall have arisen and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and that if it shall appear so 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 Non-suited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, 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.

LX. And be it further enacted, That the several and respective Persons who have subscribed or may subscribe Money for and towards making and repairing and improving the said Road, shall and are hereby required to pay the Sum or Sums 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 of Law, or more than One Imparance shall be allowed.

Publick Act.

LXI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LXII. And

LXII. And be it further enacted, That this Act shall commence and take Effect on the Day on which the Trustees shall hold their First Meeting, and shall be put in Execution and continue in force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Term of Act.

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