



ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 171.

An Act for making and maintaining a Turnpike Road from *Ashford* to or near to *Buxton*, in the County of *Derby*. [9th June 1810.]

WHEREAS the making and maintaining a Turnpike Road from the Town of *Ashford*, in the County of *Derby*, to or near to the Town of *Buxton* in the same County, would be of great Advantage and Convenience to the Land-owners and Inhabitants of the Neighbourhood and the adjacent Country, and likewise 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 most Honourable *William Cavendish*, commonly called Marquis of *Hartington*, the right Honourable *George Henry Cavendish*, commonly called Lord *George Henry Cavendish*, *Richard Arkwright*, *Thomas Barker*, *Alexander Bosley*, *Ralph Blore*, *Robert Bagshaw*, *James Brightmore*, *Joseph Bradock*, *Samuel Buxton* M. D. the Reverend *John Barker*, *Robert Birch*, *William Cavendish*, *Henry Cavendish*, *Francis Cooper*, *John Champion*, *Joseph Denman* M. D. *Francis Eyre*, *Samuel Frith*, *Nathaniel Fuesdale*, *Cornelius Flint*, *James Green*, *James Gregory*, *Charles Greaves*, *John Heaton*, *Charles Heaton*, *Humphrey Hail*, *Philip Heacock*, *Peter Holme*, *Thomas Knowlton*, *James Longsdon*, *Joshua Lingard*, *John Lingard*, *John Lees of Hill Top*, *Thomas Lingard*, *Marmaduke Middleton Middleton*, *John Noton*, *Samuel [Loc. & Per.]* Trustees
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Marjden,

Marsden, Robert Needham, Ellis Needham, John Needham, Thomas Pickford, Matthew Pickford, Ashton Ashton Skuttleworth, Arthur Heathcote Sheply, Richard Smith Clerk, John Shaw, Bache Thornbill, Henry Bache Thornbill, Ralph Travis, Hugh Travis of Lees, William Townsend, John Wild, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Trustees for making, maintaining, altering, repairing and improving the said Road, and that they or any Five or more of them at such Meeting or Meetings as hereinafter directed, unless where otherwise hereinafter specified, shall and may, and are hereby authorized and empowered to carry this Act and all the Matters and Things herein contained into Execution and Effect.

Election of
new Trustees.

II. And be it further enacted, That upon the Death, Refusal or Disability of any of the said Trustees, or their Successors (to be elected in Manner herein mentioned), to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, refusing or becoming incapable of acting as aforesaid, and Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk to the said Trustees for the Time being, be inserted in some Newspaper or Newspapers published or circulated in the said County of *Derby*, and shall be affixed on all and every the Turnpike Gates then standing on the said Road, at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid (being qualified as hereinafter mentioned) shall be, and he is hereby empowered to act in the Execution of this Act to all Intents and Purposes, and in as full and ample Manner as the Trustee in whose Room or Stead he shall be so elected.

Qualification
of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a personal Estate alone, or real and personal together, of the Value of One thousand Pounds, or shall be Heir apparent of some Person possessed of an Estate in Lands of the clear yearly Value of One hundred Pounds; nor shall any such Person be capable of acting in the Execution of this Act (save and except in administering the Oath following to the other Trustees) until he (not being such Heir Apparent as aforesaid) shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say)

‘ I do swear, That I truly and *bona fide* am in my own Right
‘ [or, in Right of my Wife, *as the Case may be*] in the actual Pos-
‘ session or Enjoyment of Lands, Tenements or Hereditaments of the
‘ clear yearly Value of Fifty Pounds, or possessed of or entitled to a
‘ personal Estate alone, or real and personal together, of the Amount
‘ or Value of One thousand Pounds.’

‘ So help me GOD.’

And

And if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, although not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

All Acts of Trustees not qualified if done before Conviction valid.

IV. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling-house, Alehouse or other House of publick Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by retail, shall be capable of acting as a Trustee, or of taking, holding or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable and to be collected on the said Road, during such Time as he, she or they shall keep such Victualling-house, Alehouse or other House of publick Entertainment, or shall sell any Wine, Cyder or Beer, Ale, Spirituous or other strong Liquors by retail; but no such Person shall be precluded from farming such Tolls, provided he, she or they employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Victuallers, &c. incapable of acting.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Trustees may act as Justices, except where interested.

Mortgagee or Assignee may act as Trustee.

VI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and they are hereby authorized and empowered to meet together at the House of *William Cockayne*, the Sign of the *Devonshire Arms* in *Ashford* aforesaid, on *Monday* the Second Day of *July*, One thousand eight hundred and ten, or as soon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves, and from Time to Time afterwards meet at and again adjourn to such Place near to the said Road as they the said Trustees or any Five or more of them shall think proper; and the said Trustees at all their Meetings shall defray their own Expences.

Time of Meeting.

Trustees to defray their own Expences.

VII. And

Orders to be made by a Majority of Trustees present, and Orders of One Meeting not to be revoked by another except in certain Cases.

VII. And be it further enacted, and it is hereby declared, That all Orders, Acts and Determinations, made or done at any Meeting of the said Trustees, shall be made or done by a Majority of the Trustees then present, and no Order or Determination shall be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present and a Majority of them shall decide in favour of such Revocation or Alteration, and unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk or Clerks, or to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him and them affixed and inserted in Manner hereinbefore directed with respect to Notices for the Election of new Trustees, at least Ten Days previously to any such Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That if after the Adjournment of any Meeting of the said Trustees it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by any Adjournment, or if for want of a proper Adjournment or otherwise it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing, signed by any Seven or more of the said Trustees, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice in the Manner hereinbefore directed, of the Time and Place of holding a Meeting according to such Order of the said Trustees (the Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at any such Meeting shall be as valid and effectual, to all Intents and Purposes, as they would have been in case such Meeting had been held in pursuance of Adjournment.

Trustees to appoint Officers.

IX. And be it further enacted, That the said Trustees shall and may, at their first or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors for the due and faithful Execution of his or their Office or Offices as the said Trustees shall think fit; and shall also elect and appoint a Surveyor or Surveyors, and such other Officers as the said Trustees shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers, or any of them, as the said Trustees shall see Occasion, and from Time to Time appoint others in the Room of such of them as shall be so removed, or as shall die, resign or refuse, or neglect to perform, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers so appointed, and also to any other Person or Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and other Persons shall, upon their respective Oaths, if thereunto required by the said Trustees or any Seven or more of them, at a Meeting to be held in pursuance of this Act (which Oaths the said Trustees or any One or more of them is and are hereby empowered

Officers to account.

empowered to administer), from Time to Time and as often as they shall be called upon for that Purpose produce and give up to such Trusteesfull, true and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively had, received or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of or applied, together with proper Receipts and Vouchers for such Payments; and all such Officers and other Persons shall and they are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes as they the said Trustees shall direct and appoint; and if any such Officer or Officers, or other Person (being required so to do as aforesaid) shall refuse or neglect to produce and give up, or verify upon Oath such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any One or more of His Majesty's Justices of the Peace for the said County of *Derby* shall, upon Complaint of the said Trustees or of any One or more of them, or of such Person or Persons as they or any Five or more of them shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or other Person to appear before him or them, and upon such Officer or Person appearing, or having been summoned and not appearing, or in case it shall appear that such Officer or other Person hath not been found, such Justice or Justices shall make Enquiry concerning such Default and the Matter of Complaint, and shall hear and determine the same in a summary Way; and if upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act shall remain due from such Officer or other Person, such Justice or Justices may and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or other Person; and if no Goods or Chattels of such Officer or other Person can be found sufficient to satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or other Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices are hereby empowered to commit such Officer or other Person to the Common Goal for the said County of *Derby*, there to remain without Bail or Mainprize until such Officer or other Person shall have given and made a true and perfect Account verified as aforesaid, and shall have made such Payments as shall appear to be due from him as aforesaid, or until he shall have compounded with the said Trustees for the same, which Composition the said Trustees are hereby empowered to make and accept, and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers, or as the said Trustees shall appoint, or until such Officer

Proceedings
against Offi-
cers refusing
to account or
deliver up
Books, &c.

or other Person shall have delivered up all such Books, Papers and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; provided always, that no such Officer or other Person, so committed as aforesaid, shall be confined or detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Trustees may remove Collectors and appoint temporary ones.

X. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be Collector or Receiver of the said Tolls until the then next Meeting of the said Trustees in the Stead of such Collector or Receiver as shall so die or be discharged; and such Person or Persons, so nominated and appointed, shall have the like Power and Authority and be answerable and accountable in the like Manner, in all Respects, as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office 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 or be discharged, or any other Person or Persons who may have the Possession of any Toll-house or Building to be erected or set up by virtue of this Act shall neglect or refuse to deliver up the Possession thereof for the Space of Four Days next after Demand thereof made by Notice in Writing signed by any Five or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, for that Purpose given to such Collector or Receiver, or other Person or Persons, or left at any such Toll-house or Building, then and in any of the said Cases it shall be lawful for any one or more 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 for the said County, with such Assistance as may be necessary to enter such Tollhouse or other Building in the day Time, and to remove the Person or Persons who shall be found therein, together with his, her or their Goods out of the same, and to put the said Trustees or any Two or more of them, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

Collectors refusing to deliver up Toll-houses, &c.

Justices empowered to grant Warrant, and Constable to enter and remove such Collectors.

Trustees may erect Tollhouses, &c.

XI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may from Time to Time erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll-gates in, upon, or across or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same, and also such Toll-house or Toll-houses, Weighing-engine or Weighing-engines to each Gate or Turnpike, or otherwise as they shall think necessary, with suitable Outbuildings thereto, and also may inclose from the said Road and Waste Grounds thereunto adjoining convenient Garden Spots to the said Toll-houses, not exceeding in the whole One Quarter

Quarter of an Acre for each Toll-house, as they may judge proper; and that the following Sums of Money shall and may be demanded and taken as Tolls before any Horse, Beast, Cattle or Carriage shall be permitted to pass through any such Turnpike or Toll-gate, Turnpikes or Toll-gates respectively; (that is to say)

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricule, Hearse, Calash, Chaise-marine, or other such Carriage, drawn by Six Horses or other Beasts the Sum of Three Shillings, and drawn by Four Horses or other Beasts the Sum of Two Shillings, and drawn by Three Horses or other Beasts the Sum of One Shilling, and drawn by two Horses or other Beasts the Sum of Sixpence; and for every Chaise, Chair or other such Carriage drawn by one Horse or other Beast the Sum of Three-pence; Tolls.

For every Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottoms or Soles thereof, the Sum of Two Shillings and Sixpence, with Wheels of a Surface of Sixteen Inches the Sum of Two Shillings; upon Rollers of the Breadth of Sixteen Inches the Sum of Two Shillings; and for every Cart, Wain or other such Carriage, with Wheels of the Breadth of Nine Inches on the Bottoms or Soles thereof, drawn by Four or more than Four Horses or other Beasts the Sum of Ten-pence, and drawn by Three Horses or other Beasts the Sum of Nine-pence, and drawn by Two Horses or other Beasts the Sum of Sixpence, and drawn by One Horse or other Beast the Sum of Three-pence; and for every Cart, Wain or other such Carriage, upon Rollers of the Breadth of Sixteen Inches, the Sum of Sixpence; and for every Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid the Sum of Two Shillings and Three-pence; and for every Waggon, upon Wheels rolling a Surface of Eleven Inches on each Side the Sum of Two Shillings:

For every Cart, Wain or other such Carriage, with Wheels of the Breadth of Six Inches as aforesaid, drawn by Four Horses or other Beasts the Sum of One Shilling, and drawn by Three Horses or other Beasts the Sum of Nine-pence, and drawn by Two Horses or other Beasts the Sum of Sixpence, and drawn by one Horse or other Beast the Sum of Three-pence:

For every Waggon or other such four-wheeled Carriage, with Wheels of less Breadth than Six Inches, and drawn by Three or more Horses or other Beasts the Sum of Sixpence for each Horse or Beast drawing the same:

For every Cart, Wain or other such Carriage, with Wheels of less Breadth than Six Inches, and drawn by Two or more Horses or other Beasts the Sum of Four-pence Halfpenny for each Horse or Beast drawing the same, and drawn by one Horse or other Beast the Sum of Three-pence:

Except Carriages going empty to fetch Coals, or loaded with Coals, or returning empty having delivered such Loading, for which no more shall be demanded or taken than the following Tolls or Duties; (that is to say)

For every Waggon, Cart or other Carriage, the Wheels whereof are of the Breadth of Six Inches or upwards, going empty to fetch Coals, or loaded with Coals, or returning empty having delivered such Loading, Tolls on Coals.
and

- and drawn by Two or more Horses or other Beasts the Sum of Two-pence for each Horse or other Beast drawing the same: And
- For every Waggon, Cart or other such Carriage employed as aforesaid, the Wheels whereof are of less Breadth than Six Inches, the Sum of Three-pence, if drawn by One Horse or other Beast only; and drawn by Two or more Horses or other Beasts the Sum of Four-pence for each Horse or other Beast drawing the same:
- For every Pair of Millstones, if drawn in Pairs, and for every single Millstone or Block of Stone, or Piece of Timber drawn by Five Horses or other Beasts the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horses or other Beasts the further Sum of Four-pence Halfpenny for each such Horse or Beast exceeding that Number, in Addition to the said Two Shillings and Sixpence:
- For every Horse, Mare, Gelding, Mule, Ass or other Beast laden or unladen and not drawing the Sum of one Penny:
- For every Drove of Oxen or Neat Cattle the Sum of Ten-pence per Score, and so in proportion for any greater or less Number:
- For every Drove of Calves, Swine, Sheep or Lambs the Sum of Five-pence per Score, and so in proportion for any greater or less Number:

Double Tolls
on Sundays.

Recovery of
Tolls.

And that double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act, in case the said Trustees or any Seven or more of them shall, at any Meeting to be held in pursuance of this Act, by Writing under their Hands so order and direct: Which said respective Tolls shall be and they 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 by any Collector or Collectors to be appointed as aforesaid, or his or their Servant or Agent, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Persons whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast or other Cattle upon which any such Tolls are by this Act imposed, or the Loading, Harness or Accoutrements of any such Horse, Beast or other Cattle, belonging to any Person or Persons so neglecting or refusing and liable to pay the Tolls as aforesaid (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast); and if such Tolls and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, 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 other Beast or Cattle and other Property or any Part thereof so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Trustees may
reduce the
Tolls,

XII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and also affixed on all and every the Turnpike-gates then standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in force for Overweight, in

in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards at any Meeting, to be holden and appointed as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament, now or hereafter to be in Force with respect to Overweights: Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said Tolls.

and afterwards advance them again to any Sum not exceeding the Rates before granted: Provided no Reduction be made without the Consent of Creditors.

XIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle or Carriage, through all the Toll-gates erected or to be erected on the said Road, on the same Day (such Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night).

Only Two full Tolls to be taken.

XIV. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast or Carriage, through any of the said Toll-gates erected or set up by virtue of this Act, such Person shall, upon producing a Note or Ticker, denoting the Payment thereof on that Day, at the same Toll-gate (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver gratis on Demand to every Person paying the said Tolls), be permitted to pass Toll-free with the same Horse, Cattle, Beast or Carriage, through the same Toll-gate, at any Time or Times during the same Day, to be computed as aforesaid.

Tolls to be paid but once a Day.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered at any Meeting, upon One Calendar Month's Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all the Turnpike Gates then standing on the said Road, to let or farm the said Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum that can be reasonably gotten for the same, provided that all Leases, Contracts and Agreements, of or for the same, be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by the said Trustees, or their Clerk, for the Time being; provided that the said Tolls shall not be let for more than Three Years at any one Time, and that the Rent which shall be agreed to be paid for the same shall be made payable, and shall be paid to the Treasurer for the Time being to the said Trustees, so that Two Months' Payment of such Rent shall always be in advance, or sufficient Security given for the Payment of the said Rent at the Times appointed, to the Satisfaction of the said Trustees, or any Seven or more of them; or in Default thereof, every such Lease, Contract or Agreement, shall be null and void, to all Intents and Purposes whatsoever.

Tolls may be let.

Lessees of
Tolls may
appoint Per-
sons to re-
ceive the
same.

XVI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm, to any Person or Persons, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Persons as he or they shall authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is hereby made subject or liable to.

Trustees may
compound.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time to compound with any Person or Persons for any Period of Time not exceeding Twelve Calendar Months, for any Horses, Beasts, Cattle or Carriages passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, Cattle and Carriages passing and repassing on the said Road, and all such Composition Money shall be paid in advance quarterly or otherwise, as the said Trustees shall appoint, or in Default thereof every such Composition shall be null and void to all Intents and Purposes.

For settling
Disputes con-
cerning Tolls.

XVIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the said County of *Derby*, who, upon Application made to him for that Purpose, shall examine the Matter, on the Oath of the Parties, or other Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and keeping, or Sale of the same, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums, so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or any Part thereof.

Toll-bar
Keepers not
to be deemed
incompetent
Witnesses.

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her, or their being so appointed or interested under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Penalty or
evading Tolls.

XX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast or Carriage, pass through any Lands, Grounds or Hereditaments, lying near any Turnpike or Toll-gate which shall

shall be erected by virtue of this Act (the same not being a publick Highway); or if any Owner or Occupier of such Lands, Grounds or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade, or whereby the Payment of the said Tolls, or any Part thereof, may and shall be evaded; 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, Beast, 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, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXI. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle going unladen for, or being laden with, or returning after having gone laden only with any Materials for repairing the said Road, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, and passing to be laid up in the Houses, Out-houses, Barns, Yards or Closets, of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle or Carriages, going for or returning with any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the Inhabitants of the Parishes, Townships, Hamlets or Places, wherein any Part of the said Road lieth; or for any Cattle going to or returning from Plough or Harrow; or for any Carriage or Cattle carrying any Dung, Mould or Compost, of any Kind whatsoever (Lime excepted), to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or for any Horses, or other Cattle or Carriages, employed in the conveying of any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Derby*, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; or going to or returning from (on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated) any Church, Chapel, or other Place of religious Worship, which shall be situate within the same Parish in which any Turnpike or Toll-gate shall be erected, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets or Places, in which the said Road hereby directed to be made lies; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriage employed only in carrying Corn to, or Grist from the nearest, or such other Mill as shall be used by the Owners of such Corn respectively; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding, such Mails or Expresses, or in returning from conveying or guarding

guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to or returning from any Pasture or Watering-place, or from being shod or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Horses, Cattle or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horses, Carts or Waggon, travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken from any Horse, Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them 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 as aforesaid; and if any Person or Persons shall, by any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for such Offence any Sum not exceeding Five Pounds; one Moiety whereof to be paid to the Informer, and the other Moiety thereof to be applied to the Purposes of this Act.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

XXII. And be it further enacted, That no Person or Persons owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

No Toll for crossing the Road only.

XXIII. And be it further enacted, That no Toll shall be demanded or taken at any Toll-gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the said Road, for any Horse, Cattle or Carriage, which shall only Cross the said Road, or shall not pass above One hundred Yards thereon, unless such crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes or Toll-gates, and the Payment of such Toll shall be thereby evaded.

Penalties on Collectors, taking great

XXIV. And be it further enacted, That if any Farmer, Renter or Collector of any of the said Tolls shall demand and take, or cause to be demanded and taken from any Person or Persons any Toll not hereby

hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer, Renter or Collector, shall for every such Offence, forfeit any Sum not exceeding Forty Shillings, and every such Collector, not being the Farmer or Renter, shall for every such Offence, forfeit any Sum not exceeding Five Shillings, such Forfeitures respectively to be recovered in Manner hereinafter mentioned.

er or less
Tolls than
allowed.

XXV. And be it further enacted, That the Right and Property in, all the Toll-gates, Toll-houses, Weighing-machines, and the several Conveniences and Appurtenances thereto belonging, which shall be erected or made upon or on the Sides of the said Road by virtue of this Act, and the Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles and Things, which shall be purchased, collected or provided for the Purposes of this Act shall be vested in the said Trustees, and they or any Seven or more of them are hereby authorized and empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down or damage any such Toll-gates, Toll-houses, Conveniences, Appurtenances, Materials, Articles or Things, or disturb them or their Agents or Servants in the Possession thereof.

Toll-gates,
&c. vested in
the Trustees.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money 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 Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof, and the Turnpike-gates and Toll-houses for collecting the same (the Charges of such Mortgages or 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 the Re-payment of the several Sums that shall be borrowed, with the Interest thereof; which Assignment shall be in the Words or to the Effect following; *videlicet*,

Power to
borrow
Money.

BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King George the Third, intituled, *An Act [set forth the Title of this Act]* We of the Trustees acting in the Execution of the said Act, in Consideration of the Sum of _____ to the Treasurer of the said Road in Hand, paid by _____ do hereby grant, bargain, sell and demise unto the said _____ Executors, Administrators and Assigns, such Proportion of the Tolls arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls; to be had and holden from the _____ Day of _____ for and during the Continuance of the said Act, unless the said Sum of _____ with lawful Interest for the same, shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord

Form of Assignment.

[Loc. & Per.]

43 P

And

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said County of *Derby*, and also affixed upon the Turnpikes or Toll-gates which shall be then standing upon the said Road, at least Twenty-one Days before the borrowing thereof, and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Endorsement on such Security in the presence of One credible Witness; which Transfer shall be in the Words or to the Effect following;

Form of
Transfer.

I do transfer the within Mortgage, and all the Principal and Interest now due thereon, unto
Executors, Administrators and Assigns. Witness my Hand and Seal
this Day of

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*, and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release or discharge the same Security or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments or Transfers, shall be made as aforesaid shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes and Toll-houses, in equal Degree one with another, and no Person shall have any Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application
of the Tolls
and Money
borrowed.

XXVII. And be it further enacted, That the Monies arising by virtue of this Act shall be applied and disposed of by the said Trustees in Manner following, (that is to say) in Payment of the Costs, Charges and Expences of obtaining and passing this Act, and in carrying the same into Execution, and in making and constructing the said Road, and repairing and amending the same, and in erecting Turnpikes and Toll houses thereupon, and in other Purposes from Time to Time relating to and attending the Execution of this Act, and in paying and keeping down the Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging

charging such Principal Monies, and to and for no other Purpose whatsoever.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road whilst the same shall be making; and if any Person shall wilfully pull up, remove or destroy any of the Stakes or other Marks used in laying out or marking any Part of such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Power to enter Lands and make Roads.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby fully authorized and empowered to make and repair and from Time to Time to widen, divert, shorten, vary and alter, within the Distance hereinafter mentioned, the Course or Path of any Part or Parts of the said Road, through any Waste Grounds, Commons or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to treat, contract and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or special, or for Years determinable on any Life or Lives, Husbards, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunaticks, Idiots or other Person or Persons whomsoever, and to and for all Femes Covert, who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or

Trustees may make and divert the Road.

any

any Part thereof for the Purposes aforesaid; and all Contracts, Sales and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage or other Matter to the contrary notwithstanding; and all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or special, or Lessees for Years, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restrain-
ing the Trust-
ees from de-
viating be-
yond certain
Distances of
the Line
described in
the Plan, &c.

XXX. And whereas a Map or Plan describing the Line of the said Road and the Lands through which the same is intended to be carried, together with a Book of Reference containing Lists 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 said County of *Derby*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all 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 for the Time being of the said County 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 Road
through
Grounds al-
though the
Owners'
Names are
not in the
Book of Re-
ference.

XXXI. Provided always, 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 of *Derby*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Where Per-
sons interest-
ed neglect or
refuse to
treat.

XXXII. And be it further enacted, That if any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them, given or left in Writing at the Dwelling-house or Dwelling-houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies, Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road

Road is intended to be made, widened, diverted, turned or altered, shall for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Derby*, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have enquired of and Assessed such Damages and Recompences, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments according to the Verdict or Inquisition of such Jury, and such Verdict and Inquisition, Order and Determination thereon shall be final, binding and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion or Remainder, in Fee or in Fee Tail general or special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots and Persons under any other Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant to the Sheriff of the County of *Derby*, requiring him to empanel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Trustees or any Seven or more of them at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so empanelled summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the standers by, or that can speedily be procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any

Trustees to issue a Warrant to the Sheriff to empanel a Jury.

Trustees may impose Fines on Sheriff. Jurymen or Witnesses making Default, &c.

of the Persons that shall be summoned and returned on such Jury and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no One Fine be more than Five Pounds on any One Person for One Offence.

Expences of
the Jury and
Witnesses
how to be
paid.

XXXIII. And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Directions or Authority of this Act, shall give in 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 such Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, 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 One Justice of the Peace for the said County of *Derby*, not interested in the Matter in question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by the Ways and Means hereinafter mentioned or provided for the recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XXXIV. And

XXXIV. And be it further enacted, That every Sum of Money, or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof to the Party or Parties respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons respectively, to be thereafter disposed of as hereinafter directed, and after Eight Days' Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road in such Manner as the said Trustees shall direct, and shall be by them or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Money allowed for Lands how to be charged or tendered.

XXXV. Provided always, and be it further enacted, That no Power or Authority by this Act given to the said Trustees shall extend to the taking down or injuring any Dwelling-house or other Building, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained.

Trustees not to take down Houses, &c.

XXXVI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner hereinbefore mentioned, they may happen to be seized of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Seven or more of them to sell and dispose of such Pieces or Parcels of Ground 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 always, that the said Trustees before they shall sell and dispose of any such Piece or Pieces of Ground as aforesaid shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or, in case of diverting any Part or Parts of the said Road, to the Person or Persons whose Lands shall adjoin to the old Road, and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as hereinafter mentioned) or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County of *Derby* (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused

Trustees empowered to sell Ground not wanted for the Purposes of this Act; Persons of whom it was bought, or whose Lands adjoin, to have the first Offer.

by

by the Person or Persons to whom the same was so offerred shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner hereinbefore directed with respect to disputed Value of Premises 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 hereinbefore 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 of such Piece or Parcel of Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
of Compensa-
tion Money
when
amounting
to 200l.

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements 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, Lunatick or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent 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, Tenements and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Intents and 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, Tenements 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, Tenements and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time
be

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, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid and 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 Tenements so purchased, taken or used, or of his or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of 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 Seven or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 200l.

XXXIX. Provided always, 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 and Hereditaments so purchased, taken or used as aforesaid, in such Manner as the said Trustees or any Seven or more of them 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.

When less than 20l.

XL. 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 Seven or more of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Seven or more of them to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of

In case of not making out Titles;

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

subject to the
Order of the
Court of
Chancery on
Motion or
Petition.

Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements and Hereditaments [*describing them*], subject to the Order, Control 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 said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or to order Distribution thereof or Payment of the Interest 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.

Respecting
disputed
Titles.

XLI. 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 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 therein.

The Court of
Chancery
may direct
the Payment
of Expences.

XLII. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time, to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with
the

the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Seven or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLIII. Provided always, and be it further enacted, That all Mines ^{Mines re-} of Lead Ore, Mines, Veins, Beds, or Seams of Coal, Ironstone, Marble, ^{served to the} Chert, and other Minerals and Fossils whatsoever, which shall be dis- ^{Owners of} covered or found in or under any Lands to be appropriated to the ^{Lands.} said Road, by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politick, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind, in the District or Place where such Mines, Coal, or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to the said Road.

XLIV. And be it further enacted, That it shall and may be lawful ^{For getting} to and for the Surveyor or Surveyors of the said Road, and to and for ^{Materials to} all such Person or Persons as he or they respectively shall appoint, to ^{make and} search for, cut, dig, get, gather, and take away any Furze, Heath, ^{repair the} Stones, Gravel, Sand, or other Materials for making and repairing the ^{Road.} said Road, out of and from any Commons or Waste Ground, River, Brook or Pit, in any Parish, Township, Hamlet, Division, District or Place, in which any Part of the Road hereby directed to be made, amended and repaired, shall lie, or in any adjoining Parish, Township, Hamlet, Division, District or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Seven or more of them (such Order to be made at some Meeting of the Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk or Clerks to the said Trustees), search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields or Grounds, of any Person or Persons where the same may be had or found (such Lands, Fields or Grounds, not being a Garden, Orchard, Yard, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises as the said Trustees shall deem reasonable; and in case of any Difference
between

between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace for the said County of *Derby*, on Ten Days' Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

XLV. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors, shall have been given to the Owner and Occupier of the Premises, or the known Agent of any such Owner, from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before the said Trustees at some one of their Meetings, or before Two or more 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 Owner and Occupier, or One of them, or their or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such case the said Trustees, or such Justices, shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Owner or Occupier shall 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 respectively 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, &c. got by Order of the Surveyor.

XLVI. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stone or Materials, which shall have been dug or gathered for the Purpose of making or repairing the said Road, or other of the Purposes by this Act authorized or directed, or any Part or Parts thereof, or shall get or take away any Stone, Gravel or Materials, out of any Pit or Quarry which shall have been made for the Purpose of getting such Stone, Gravel or Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein, for the Space of Three Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, such Owner or Occupier, or other Person, not taking any of the Stone, Gravel or Materials, which may have been dug or gathered for the Purposes aforesaid, and which may remain in such Pit or Quarry, without the Consent of the Surveyor or Surveyors of the said Road), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XLVII. And

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Causeways or Footpaths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, or to erect Bridges over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted or set apart as a Nursery for Trees), to be made Use of as a publick Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages; and also to make Watercourses, and to carry and divert the Water in, through, and under any Lands adjoining or lying near to the said Road, for the Convenience of the Owners and Occupiers of such Lands, or of any other Lands lying near to the said Road, making such reasonable Satisfaction to the Owners and Occupiers of the Lands respectively through and into which any such Drains or Watercourses shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers, and such Trustees, touching such Damage, then and in such case the Justices of the Peace, at the first General or Quarter Sessions of the Peace to be holden for the said County of *Derby*, next after the Expiration of Twenty-one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear and determine the same, and their Determination therein shall be final and conclusive.

Surveyors
may make
Drains, &c.

on making
Satisfaction
for Damage
done thereby;

and in case
of Difference
concerning
the same,
Justices in
Sessions to
determine.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Direction and under the Hands of any Seven or more of the said Trustees, from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Rails, Steps, Sign-posts, Walls or otherwise, and to turn or stop any Watercourses, Sinks or Drains, running into, along, or out of any Part of the said Road, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper; and to cleanse any Ditch or Watercourse next adjoining to, or leading into, or out of any Part or Parts of the said Road, and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto, at proper Seasons of the Year, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpose, signed by any Seven or more of the said Trustees, or by their Surveyor or Surveyors, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by

Surveyors
may remove
Annoyances.

Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Road to be measured, and Mile-stones and Guide-posts erected.

XLIX. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile-stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as the said Trustees shall think fit; and also cause to be erected Guide-posts upon such Parts of the said Road, where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Mile-stone, or Post, erected on any Part of the said Road, or any of the Letters, Figures or Marks inserted thereon; or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet-wall or Walls, on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, for each Table of Tolls, Stone, Post, Parapet-wall and Arch, so broken, thrown down, injured, or destroyed, or on which any Letters, Figures or Marks, shall be so obliterated or defaced; One Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purposes of this Act.

Penalty on riding on Footpaths, &c.

L. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on or drive, or lead any Horse, Beast, Cattle or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road; or shall wilfully or negligently damage or destroy any of the Fences, Walls or Gates, on the Sides of the said Road, and belonging thereto; or if any Driver of any Waggon, or other Carriage, shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse, or other Beast, drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road, so as wilfully to damage the said Road, or any Part thereof; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Road, to the Prejudice thereof; or if any Person driving any Pig or Swine upon the said Road, shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Walls, Bankings or Copse, on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep or Beast, to be and remain loose on the said Road; or if any

any Person driving any Coach, Chaise or Waggon, Cart or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his Carriage on the left or near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person from passing him, her or them, upon the said Road, or the Coach, Chaise, Waggon, Cart or other Carriage, under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set Fire to, or let off, or throw any Squib, Rocket, Serpent or Firework whatsoever, on any Part or Parts of the said Road; or if any Person or Persons shall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction; and save and except with regard to such Waggon, Wain, Cart or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be), in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, or shall do any other wilful Damage or Injury to the said Road; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

LII. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts or Places, through which the said Road shall pass, shall be liable to the Repair of such Parts of the said Road as are within their respective Parishes, Townships, Hamlets, Districts or Places, in such and the same Manner as they are liable to the Repair of any other Highway within the same. Townships to be liable to Repairs.

LIII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute-work on any Part of the Road within the Parishes, Townships or Places, through which the said Road, or any Part thereof passes, shall be liable to do the same on the said Road; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Derby*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order, 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 Persons chargeable to Statute-work to continue so. Justices to determine Differences.

pective Parishes or Places in which the said Road lies, 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 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, Township or Place, are by Law subject and liable to do Statute-work for that Year, or to the Payment of any Money in lieu of, or as a Composition for such Statute-work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be 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 publick 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 Haytime 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, and 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 thereof, 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 last or usual Place or Places of Abode, for that Purpose, by any Surveyor to 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, Beasts 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 publick 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 negligent or idle by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are 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 sending such Labourer, Team or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road; and

in

in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships 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 or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to compound and agree with any Person or Persons, Bodies Politick 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, Townships or Places, in which the said Road shall lie and be situate, or with the Surveyor of the Highways for such Parishes, Townships or Places, duly authorized for that Purpose at a publick Vestry, 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 or Treasurers of the said Trustees, in advance, on or before the First Day of *May* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township or Place, shall not be permitted to compound for that Year.

Trustees may compound for Statute-work.

LV. And be it further enacted, That all Persons who have subscribed to pay any Money towards making and repairing the said Road shall, and he, she and they is and are hereby required to pay his, her and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Power to compel Payment of Subscriptions.

LVI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, that it shall and may be lawful for any of the said Trustees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers respectively, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her or them, before any Justice of the Peace for the said County of *Derby*; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his or their Appearance at some Petty Sessions to be holden within and for the said County of *Derby*, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she or they shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices

For securing transient Offenders.

respectively to commit him, her or them, to the Common Gaol or House of Correction for the said County of *Derby*, there to remain for any Time not exceeding Thirty Days, unless he, she or they shall sooner pay the respective Penalties by him, her or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

ACTIONS to be brought in the Name of the Treasurer or Clerk, or of the Trustees, who are not to be personally liable to Costs.

LVII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name of any One of the said Trustees, on Behalf of the said Trustees; and on 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 commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees, or any Seven or more of them, at a Meeting to be holden in pursuance of this Act; but no Treasurer, Clerk or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Trustees,

For Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Derby* (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer), and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered (if not hereinbefore directed to be otherwise applied), shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Directing the Form of Conviction.

LIX. And be it further enacted, That for the more speedy Conviction of all Offenders against this Act, all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following;

To wit } **B** it remembered, That on the _____ Day
 ' of _____ in the Year of our Lord
 is convicted before me [or, us]
 ' of His Majesty's Justices of the Peace for the
 ' by virtue of an Act of Parliament made and passed in
 ' the Fiftieth year of the Reign of His Majesty King *George the Third*,
 intituled,

‘ intituled, ‘ An Act [*here set forth the Title of this Act, and specify the*
 ‘ Offence and the Time and Place when and where the same was committed].
 ‘ Given under my Hand and Seal [*or, our Hands and Seals*] the Day
 ‘ and Year first above written.’

LX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General Quarter Sessions of the Peace to be holden for the said County of *Derby*, next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days’ Notice at least of his, her or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers, or Clerk of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Derby*, with two sufficient Sureties, conditioned to try such Appeal and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and the said Justices in such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties or other wise as they shall judge proper; and the said Justices may if they see Cause mitigate any Fine, Penalty or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal.

LXI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for want of Form.

LXII. And be it further enacted, That no Order, Verdict, Assessment, Judgment or other Proceeding made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari* or by any other Writ or Process whatsoever into any of His Majesty’s Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form.

LXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

If no Tender made Money may be paid into Court.

her or them, or to his her or their Attorney by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought at any Time before Issue joined, to pay into Court such Sum of Money as he, she or they shall think fit, whereupon such Proceedings, Order and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Twelve Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Derby* and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his and their Election specially or 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 if the same shall appear to have been so done or if any such Action or Suit shall be brought before Twenty-one Days' Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, 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, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

Orders and Proceedings of Trustees to be entered in a Book.

LXV. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders shall from Time to Time be made or Proceedings shall be had, or the major Part of such Trustees; and that such Book or Books shall be opened at all seasonable Times for the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward; and such Entries, being so signed, shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever.

Publick Act.

LXVI. 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.

Commencement and Continuance of this Act.

LXVII. And be it further enacted, That this Act shall commence and take place on the Thirtieth Day of *June* One thousand eight hundred and ten, and shall be in force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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