



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xxix.

An Act for making and maintaining a Railway or Tramroad from *Peak Forest* to *Beard*, and from *Peak Forest* aforeaid, to or near to *Woodlands*, all in the County of *Derby*. [21st May 1816.]

WHEREAS there are within the Liberty of *Peak Forest*, in the County of *Derby*, divers extensive and valuable Beds and Rocks of Limestone, and also Lead Mines and Minerals; and the said Limestone Rocks cannot be brought to Market for the best public Advantage, or converted into Lime at a reasonable Rate for Agricultural Purposes, by reason of the great Expence of the present Mode of Carriage: And whereas the making and maintaining a Railway or Tramroad, from the Liberty of *Peak Forest* aforeaid, to communicate with the Township or Hamlet of *Beard*, in the Parish of *Glossop*, and also from *Peak Forest* aforeaid, to or near to the *Woodlands*, in the Parish of *Hope*, all in the said County of *Derby*, would open a more easy Communication with the said Liberty of *Peak Forest*, and afford a cheap Conveyance, not only for the said Limestone and Minerals, but also for Coal and Lime, as well as for Goods, Wares, and Merchandize, and other Matters of various Kinds, and would be a most material Benefit to the Agricultural Interest of the adjacent Neighbourhood, and the Country at large, to a very considerable Extent, in promoting the Improvement and Cultivation of Land, by the Supply of Lime at a reasonable Rate for the Purpose of Manure, and would otherwise be of great Public Utility: And whereas the most Noble *William Spencer* Duke of *Devonshire* is the Owner and Proprietor of the said Liberty of *Peak Forest*, and of the Beds

[Local.]

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Power to
make the
Railways
and Works,
and to enter
Lands, &c.
making Satis-
faction for
Damages.

and Rocks of Limestone within the same, and is willing and desirous at his own Expence to make and maintain the said intended Railways or Tramroads; but as the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, shall be and he and they is and are hereby fully authorized and empowered, from and after the passing of this Act, from Time to Time and at all Times, at his and their own proper Costs and Charges, to make and maintain, or cause to be made and maintained, a Railway or Tramroad, from the Limestone Rocks within the Liberty of *Peak Forest* aforesaid, to and to communicate with a Railway already made and belonging to the Company of Proprietors of the *Peak Forest* Canal, at or near *Barmoor Clough*, in the Parish of *Chapel-en-le-Frith*, and from the said *Peak Forest* Canal Railway, at or near *Bugsworth*, to the South-eastwardly Side of the Township or Hamlet of *Beard*; and also a Railway or Tramroad from the Liberty of *Peak Forest* aforesaid, through the Townships or Hamlets of *Castleton*, *Hope*, and *Edale*, or some of them, to or near to the *Woodlands*, all in the said County of *Derby*, to be called *The Peak Forest Railways*; and also to make, build, erect, and set up, such and so many Bridges, Piers, Arches, Tunnels, inclined Planes, Drains, Houses, Warehouses, Toll Houses, Toll Gates, Watchhouses, Buildings, Weighbeams, Cranes, Engines, Quays, Wharfs, Landing Places, or other Machines and Works, Ways, Roads, and Conveniences, as he or they may think necessary and convenient for the Purposes of the said Undertaking; and also to alter, vary, repair, amend, or improve the same, as and when he or they may think necessary; and the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and his and their Agents, Workmen, and Servants, is and are hereby authorized and empowered from Time to Time to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof; and also to set out and ascertain, appropriate and take so much and such Part and Parts thereof, as he or they shall think necessary or proper for making the said Railways or Tramroads, and such other Works, Buildings, Conveniences, Matters, and Things as aforesaid, or for completing, maintaining, using, altering, extending, improving, repairing, or preserving the same, or for any other of the Purposes herein-before or herein-after mentioned; and also to bore, dig, cut, trench, fough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Trees, Roots of Trees, Beds of Gravel, Stone or Sand, or any other Matters or Things, in, upon, or out of the said Lands or Grounds, or in, upon, or out of any Lands or Grounds adjoining or contiguous to the said Railways, Tramroads or Works, which may be necessary or proper for making, completing, maintaining, using, altering, extending, improving, repairing, or preserving the same, or any Part thereof, or which may lie in the Course of or in anywise hinder or obstruct the said Works; and also from Time to Time to alter, repair, amend, or discontinue the same, or any Part thereof, and from Time to Time to make, build, erect, and set up, in, over, under, or upon the said Railways or Tramroads, and other Works, or upon the Lands adjoining the same, such and so many Bridges, Docks, Piers,

Tunnels, Toll Houses, and other Buildings, where and in such Manner as shall be necessary and convenient for the Purposes of the said Undertaking; and also to make, maintain, repair, and alter any Fences or Passages, over, under, through, and adjoining the said Railways or Tramroad; and also to lay, place, work, or manufacture any of the said Materials on the Lands or Grounds near or convenient to the said Railways or Tramroads and Works; and also to make and set out such Roads or Ways, for hauling or drawing of Waggons, Carts, and other Carriages, upon the said Railways or Tramroads, with Men, Horses, or otherwise, and such convenient Places for Waggons, Carts, and other Carriages, to turn, lie, and pass each other, as shall from Time to Time be thought requisite or proper; and to construct, erect, make, do, and perform all other Matters and Things, which he or they shall from Time to Time think necessary, convenient, or useful for the making, completing, maintaining, using, altering, extending, improving, repairing, or preserving the said Railways or Tramroads, and other Works, he the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers hereby to him and them granted, and making full Satisfaction in Manner herein-after mentioned, to the Owners, Proprietors, and Occupiers of and all Persons interested in any such Lands, Grounds, or other Hereditaments, which shall be broken into, appropriated, taken, used, removed, or in anywise injured, in or by the Execution of all or any of the Powers herein contained, for all Damages which shall be thereby sustained; and it is hereby declared, that this Act shall be and be deemed and taken to be a sufficient Indemnity to the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, and others, for all and whatsoever he, they, or any of them, shall do or cause to be done under and by virtue of the Powers hereby granted, or any of them; subject nevertheless to the Provisoes, Restrictions, and Regulations herein mentioned and contained.

II. Provided always, and be it further enacted, That in all Places where the said Railways or Tramroads shall cross any Turnpike Road or Highway, the Ledge or Flank of such Railways or Tramroads, for guiding the Wheels of the Carriages thereon, shall not exceed One Inch in Height above the Level of the said Road or Highway: Provided also, that nothing herein contained shall authorize or empower the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or any other Person or Persons acting by or under his or their Authority, to take or use, for the Purpose of the said Railways or Tramroads, or other Works, or in any Manner to injure or damage any Dwelling House or Building erected or built on or before the Thirtieth Day of September One thousand eight hundred and fifteen, or any Land or Ground which was then set apart or appropriated and used as and for any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owner and Occupier for the Time being of the same respectively, or to cut down, damage, or destroy any Timber or other Trees, except such as may obstruct the making or course of the said Railways or Tramroads, without the like Consent of the Owner or Owners thereof first had and obtained: Provided also, that where any Highway, Carriage or Horse Road, shall be cut through or rendered impassable or

Ledge of Railway not to exceed One Inch in Height on crossing Roads.

Houses, Buildings, Gardens, &c. not to be taken without Consent, nor Timber or other Trees.

Where Roads are injured, others to be made.

inconvenient

inconvenient by Means of the said Railways or Tramroads, or any of the Works aforeaid, the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, shall, if required, by Notice in Writing from any Person or Persons entitled to the Use and Benefit of such Road, before any such Road shall be cut through or injured as aforeaid, make or cause to be made a good and sufficient Carriage or Horse Road, as the Case may be, to be approved of by Two or more of His Majesty's Justices of the Peace in and for the said County of *Derby*, in lieu of such Carriage or Horse Road so cut through or rendered impassable or inconvenient.

Maps and
Books of
Reference
deposited
and made
Evidence.

III. And whereas Maps describing the Line of the said intended Railways or Tramroads, and the Lands in and through which the same were intended to be made and carried, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Maps and Books of Reference shall from Time to Time remain and be kept with the said Clerk of the Peace, and that Duplicates of the said Maps and Books of Reference respectively shall also be deposited with the Clerk or Clerks for the Time being, to be appointed as herein-after mentioned by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; and that all and every Person and Persons in any Manner interested therein shall have Liberty to inspect and peruse, and to make Extracts from or Copies of the said Maps and Books of Reference at all seasonable Times, on Payment to such Clerks respectively of Two Shillings and Sixpence for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the First Hour, and also paying for every such Extract or Copy, not exceeding Seventy-two Words, the Sum of One Shilling; and when the same shall exceed Seventy-two Words, the further Sum of Sixpence for every succeeding Seventy-two Words after the First; and the said Maps and Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or Equity, and elsewhere; and the said Clerk or Clerks for the Time being, to be appointed as aforeaid, upon Twenty-one Days Notice to him or them given in Writing for that Purpose, shall and he or they is and are hereby required from Time to Time to produce or cause to be produced the said Maps and Books of Reference so deposited with him or them as aforeaid, or true Copies thereof, before any Jury or Juries to be impannelled by virtue of this Act, or at any Meeting of the Commissioners hereby appointed, at the Time and Place or Times and Places to be respectively mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk or Clerks having a reasonable Sum of Money allowed for Travelling Expences, Loss of Time, and Attendances upon such Occasions.

Not to de-
viate more
than 150
Yards from
the Line
laid down,
nor through
the Lands of
Persons not

IV. And be it further enacted, That the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, in making the said Railways or Tramroads, shall not deviate more than One hundred and fifty Yards from the Line thereof delineated in the said Maps, nor make the same through the Lands of any Person or Persons not named in the said Books of Reference: Provided always, that no Advantage shall be taken, or Interruption given to the making of the said Railways or Tramroads and Works, by reason
of

of any Error or Omission in the said Books of Reference; but that it shall and may be lawful to and for the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, to make the said intended Railways or Tramroads and Works in, through, or across the Lands and Hereditaments of any Person or Persons, although the Name or Names of such Person or Persons is or are not mentioned in the said Books of Reference, in case it shall appear to any Two or more of His Majesty's Justices of the Peace acting in and for the said County of *Derby*, and certified by Writing under their Hands, that such Omission arose from Error or Mistake.

named in the Books of Reference, unless such Omission shall appear to have arisen from Mistake.

V. And be it further enacted, That the Lands, Grounds, and Hereditaments to be taken or used for the said Railways or Tramroads, shall not exceed Ten Yards in Breadth, measured horizontally, except in such Places where it shall be judged necessary for Waggons, Carts, or other Carriages to turn, lie, or pass each other; or where any Warehouse, Crane, Weighbeam, Toll House, or other Building or Works shall be erected; or where any Wharf shall be made, or any Place or Places set out or appropriated for the Landing Place, Reception, or Delivery of Goods, Wares, Merchandizes, or other Commodities, Matters, or Things to be conveyed on the said Railways or Tramroads, or where the said Railways or Tramroads, or any Part thereof, shall be raised higher or sunk lower than the present Surface of the Land, nor exceed Fifty Yards in Breadth, in any Place except where the same shall pass through or over any Commons or Waste Lands, without the Consent in Writing of the Owners or reputed Owners and Occupiers of such Lands, Grounds, and Hereditaments respectively, for that Purpose first had and obtained.

Breadth of Railways.

VI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their respective Wives, Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the said Railways or Tramroads and Works, and other the Purposes aforesaid, or which are by this Act authorized or directed to be taken or purchased by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or any Part thereof, to contract for, sell, and convey unto the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, all or any Part of such Lands, Grounds, or Premises, which shall from Time to Time be so set out and ascertained, or which are by this Act directed to be taken or purchased as aforesaid, in Consideration of a Sum or Sums of Money to be paid as herein-after mentioned; and also to contract for a Satisfaction for the Injuries and Damages to be done or sustained by the Execution of the Powers herein contained, and to receive such Sum and Sums of Money as shall be so contracted for; or in case of any Disagreement between the Parties, as shall be determined and adjusted by the Commissioners herein-

Bodies Politic and others empowered to sell.

[Local.]

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after

after appointed, or any Three or more of them, or be assessed by a Jury in Manner herein directed, such Sum and Sums of Money to be subject to the Provisions herein-after contained for the Application thereof, and where, by making the said Railways or Tramroads and Works, the Property of any Land Owner shall be separated into small Parcels so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate and Collegiate, and all other Land Owners under any such Disability as aforesaid, by and with the Consent of the Commissioners herein-after appointed, or any Three or more of them, to be testified by any Writing or Writings, to be by them sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, all or any Part of such Lands, Grounds, or Premises; through which the said Railways or Tramroads and Works, or any Part thereof, shall be made, to any Person or Persons whomsoever, for such Price or Prices in Money, as to the said Commissioners, or any Three or more of them, shall seem reasonable; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whosoever so conveying as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid, shall be made at the Expence of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns.

Lands taken
or purchased;
how to be
conveyed.

VII. And be it further enacted, That all Conveyances and Assurances which shall be made of any Lands, Tenements, Grounds, or Hereditaments to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of
Conveyance.

‘ I of in Consideration of the Sum of
‘ to me paid by the most Noble *William Spencer Duke of Devonshire*
‘ [or, by the Owner and Proprietor of the said Railways or Tramroads
‘ for the Time being], his Heirs or Assigns, do hereby, in pursuance
‘ and by virtue of the Power in that Behalf contained in an Act passed
‘ in the Fifty-sixth Year of the Reign of His Majesty King George the
‘ Third, intituled [*here insert the Title of this Act*], grant and release
‘ unto the said *William Spencer Duke of Devonshire*, (or such Owner and
‘ Proprietor for the Time being as aforesaid), his Heirs and Assigns, all
‘ [*here insert the proper Description of the Lands or Hereditaments intended*
‘ *to be conveyed*], to hold unto and to the Use of the said *William Spencer*
‘ *Duke of Devonshire* [or, such Owner and Proprietor for the Time being
‘ as aforesaid], his Heirs and Assigns for ever, according to the true
‘ Intent and Meaning of the said Act. In witness whereof, I have here-
‘ unto set my Hand and Seal, the Day of
‘ in the Year of our Lord

And that all such Conveyances and Assurances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; and every such Conveyance shall be kept by the Clerk or Clerks for the Time being, to be appointed as aforesaid, who shall

shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence *per* Sheet for every such attested Copy, reckoning One hundred Words to every Sheet, and so in Proportion for any greater or less Number of Words; and which Conveyance shall be registered with the Clerk of the Peace for the County of *Derby*, and every such Conveyance shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Conveyance to be registered with the Clerk of the Peace for the County of *Derby*.

VIII. And be it further enacted, That if any such Contract, Agreement, Bargain, or Sale, shall be made or entered into, of, or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall be Copyhold, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments, shall continue subject to the same Fines, Rents, and Services, as are due and payable and of right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies for the Time being of the Manor, shall be willing or desirous to enfranchise the same; in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they, shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple.

Surrender or Enfranchisement of Copyholds.

IX. And be it further enacted, That in all Cases where the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall enter upon and take any Lands, Grounds, or Hereditaments for the Purposes of this Act, with the Consent of the Proprietor or Proprietors for the Time being thereof, and such Proprietor or Proprietors shall afterwards die before he, she, or they shall execute the Conveyance or Surrender thereof to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, then and in such Case the Heirs, Devisees, or Assigns of such Proprietor or Proprietors of the Estate from which such Lands or Grounds shall have been taken, if capacitated, or the Husbands, Guardians, Committees, or Trustees of Females Covert, Infants, Lunatics, and other Cestuique Trusts, shall and they are hereby authorized and required to convey or surrender such Lands, Grounds, or Hereditaments, to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, upon Receipt of the Purchase Money, or other Equivalent to be agreed upon for the same, or so much thereof as shall not have been paid to such deceased Person or Persons on account thereof.

Conveyance of Lands in certain Cases.

X. And be it further enacted, That in all Cases where in making the said Railways or Tramroads, or other Works hereby authorized to be made, there shall be Occasion, for the Purposes of this Act, to cut through, take, or use any Part of any Commons or Wastes, or other Lands or Hereditaments which shall be charged with any Right or Rights of Common, the Conveyance of such Parts of such Commons or Wastes, or other Lands or Hereditaments, by the Lord or Lords, Lady or Ladies for the Time being, of the Manor or Manors in which the same are situate, to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall be

Commons or Waste Lands to be conveyed by Lords of Manors.

be a good and sufficient Conveyance thereof (without the Commoners, or other Persons interested therein, joining in such Conveyance); and the Lord or Lords, Lady or Ladies for the Time being, of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly, on the Receipt of his, her, or their Proportion or Proportions of the Purchase Money, as herein-after mentioned, or on the same being tendered to him, her, or them, subject to all the Rules, Regulations, and Provisions herein contained, with respect to the Payment of other Monies for other Lands taken or used for the Purposes of this Act; and the said Commissioners, or any Three or more of them, or a Jury summoned and returned in the Manner herein directed, shall ascertain, determine, or assess, what Proportion of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, Copyholders, or other Persons interested in such Commons or Wastes, or other Lands as aforesaid, for his, her, or their Interests in such Lands or Hereditaments, and such Proportion shall be thereupon paid to him, her, or them, for his, her, or their own Use, or deposited in the Bank of England, in Manner by this Act directed, as the Case may require.

Commissioners appointed to settle Differences, &c.

XI. And whereas Differences may arise between the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, and the several Owners of and Persons interested in any Lands, Tenements, or Hereditaments, which shall and may be affected or injured by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them; be it therefore enacted, That the Right Honourable *George Henry Cavendish*, commonly called *Lord George Henry Cavendish*, the Right Honourable *William Fitzwilliam*, commonly called *Lord Viscount Milton*, the Right Honourable *Thomas Eyre*, commonly called *Lord Kinnaird*, the Honourable *John Simpson*, Sir *George Sitwell* Baronet, Sir *William Chambers* Bagshaw, *Richard Arkwright*, *Richard Arkwright* the younger, *Robert Arkwright*, *Charles Arkwright*, *William John Bagshaw*, *Thomas Barker*, *George Barker*, *Caleb Barker*, *John Barton*, *Thomas Bateman*, *James Beard*, *Stephen Bellott*, *Robert Birch*, *Alexander Bosley*, *Charles Bowns*, *Ralph Blakelock*, *James Brightmore*, *Thomas Brown*, *Joshua Brookshaw*, *Samuel Buxton* M. D. *Peter Brownell*, *William Brittain*, *James Carrington*, *Joseph Carrington*, *Henry Cavendish*, *Charles Cavendish*, *John Champion*, *William Henry Cheek*, *John Hyde Clarke*, *John Clayton*, *John Charge*. D. *Ewes Coke*, *Francis Cosper*, *Thomas Denman*, *James Dowland*, *Wilbraham Egerton*, *Matthew Ellison*, *Michael Ellison*, *Richard Entwistle*, *Ellis Eyre*, *Vincent Henry Eyre*, *Samuel Frith*, *John Frith*, *John Frith junior*, *William Fairbank*, *Josiah Fairbank*, *George Fletcher* M. D., *Matthew Frost*, *Nathaniel Fulsdale*, *Francis Fenton*, *Samuel Gratrix*, *William Gratrix*, *John Gregory*, *George Bustard Greaves*, *Charles Greaves*, *James Green*, *Richard Hancock*, *Isaac Hall*, *Robert John Harper*, *Isaac Harrop*, *Robert Hartle*, *John Heaton*, *Charles Heaton*, *Philip Heacock*, *Peter Hulme*, *Thomas Holy*, *Rowland Hodgson*, *Robert Hutton*, *William Hodgson*, *Joshua Jebb*, *Francis Jodrell*, *Thomas Knowlton*, *William Keeling*, *Thomas Legh*, *Egerton Leigh*, *Edward Loyd*, *William Alwood Lord*, *James Longsdon*, *John Lingard*, *John Lees of Hilltop*, *Marmaduke Middleton Middleton*, *James Matthew*, *Horatio Mason*, *Peter Marsland*, *James Meadows*, *James Matthison*, *Anthony Lax Maynard*, *Samuel Marsden*, *James Marsden*, *William Murray*, *Deveraux Jones Nicholls*, *George William Newton*, *James Antrobus Newton*, *James Newton*, *Norman*, *John Nuttall*, *Robert Needham of Ashford*, *Robert Needham of Perry Foot*, *Francis Owen the elder*,
Francis

Francis Owen the younger, Samuel Oldknow, Richard Orford, Hugh Parker, John Pearson, Lawrence Peel, Robert Peel, Robert Peel of Hardwick, Shakespear Phillips, Burton Philips, George Philips, George Richard Philips, Francis Philips, James Rawson, Ashton Ashton Shuttleworth, William Spencer Stanhope, John Simpson, Richard Simpson, Pinder Simpson, Samuel Shore, John Shore, William Shore, Joseph Storrs, John Scott, Adam Slater, William Cunliffe Shawe, John Shaw, Jonathan Stokes M.D., Arthur Heathcote Shepley, Edward Stracey, Douglas Strutt, Henry Strutt, Jedediah Strutt, Thomas Sykes, Gregory Sale, John Taylor, Thomas William Tatton, Samuel Taylor, Bache Thornhill, Henry Bache Thornhill, Robert Turner, Nicholas Tym, Daniel Tym, Thomas Wilson, Joseph Winter, Gilbert Winter, William Winstanley M.D., Nathaniel Wright, John Wright, Joseph Wreaks, John Wreaks, William Walker, John White, Isaac Wilkinson, Hugo Worthington, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said William Spencer Duke of Devonshire, his Heirs or Assigns, and the several Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, and for other the Purposes in this Act mentioned.

XII. And be it further enacted, That when any of the said Commissioners hereby named and appointed, or to be elected and appointed as herein mentioned, shall die, refuse to act, or become incapable of acting in the Execution of this Act, the surviving or remaining Commissioners, or any Three or more of them, shall and they are hereby authorized and empowered from Time to Time, by Writing under their Hands, at any Meeting or Meetings to be holden, of which due Notice shall have been given in pursuance of this Act, to elect and appoint any other Person or Persons in the place and stead of any Commissioner or Commissioners so dying or refusing to act, or becoming incapable of acting as aforesaid; and every such Commissioner so to be elected and appointed shall, from the Time of his Appointment, have the like Power and Authority in all Things relating to this Act, as if he had been originally and expressly named a Commissioner in and by this Act.

Election of
new Com-
missioners.

XIII. Provided always, and be it further enacted, That no Person shall act as Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in Question; nor unless he shall be seised in his own Right, or in Right of his Wife, and not as a Mortgagee at the Time of such his acting, of an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments, in the said County of Derby, of the Yearly Value of Fifty Pounds, over and above all Reprizes, or unless he shall be possessed of or entitled unto a Personal Estate, or Real and Personal Estate together of the Amount or Value of One thousand Pounds, or unless he shall be the eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir Apparent

Qualification
of Commis-
sioners.

[Local.]

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as

as aforesaid) act as a Commissioner in the Execution of this Act, otherwise than by administering an Oath or Affirmation in the Words or to the Effect following (which he is hereby authorized to do) to any other of the Commissioners, until he shall have taken and subscribed such Oath or Affirmation before some one or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

Oath.

‘ I do swear, [*or, being one of the People called Quakers,*
‘ I do solemnly affirm], That I am truly and *bonâ fide* in the actual
‘ Possession and Enjoyment or Receipt of the Rents and Profits of Lands,
‘ Tenements, or Hereditaments, in the County of *Derby*, of the clear
‘ Yearly Value of Fifty Pounds, above Reprizes, [*or, possessed of or*
‘ entitled to a Personal Estate, or Real and Personal Estate together, to
‘ the Amount or Value of One thousand Pounds], and that I will with-
‘ out Favour or Affection truly and impartially, according to the best of
‘ my Skill and Knowledge, execute and perform the Powers and Autho-
‘ rities vested in me as a Commissioner, by an Act made in the Fifty-sixth
‘ Year of the Reign of King *George* the Third, intituled [*here set forth*
‘ *the Title of this Act*]. So help me GOD.’

Penalty on
acting, not
being quali-
fied.

And an Entry or Memorandum of such Oath being taken by every such Commissioner shall be made by and certified under the Hand of the Clerk or Clerks for the Time being, to be appointed as herein-mentioned, which Certificate shall be sufficient Evidence of such Oath having been taken in all Courts whatsoever; and if any Person not qualified as aforesaid, or by this Act declared incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, to be recovered, with full Costs of Suits, by Action at Law in any of His Majesty’s Courts of Record at *Westminster*, in which Action no Effoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and 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 or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that any of the said Commissioners, who are or shall be Justices of the Peace for the said County of *Derby*, shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act, or in anywise relating thereto.

Commission-
ers being
Justices may
act as such.

Clerk to
Commission-
ers to be ap-
pointed.

XIV. And be it further enacted, That it shall and may be lawful to and for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, from Time to Time, by Writing under his or their Hand or Hands, to appoint a fit and proper Person or Persons to be Clerk or Clerks, on whom the Service of all Writs, Notices, Summonses, Requests, Applications, and other Proceedings, upon or directed to, for, or against the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, for or by reason of any Matter or Thing done or suffered under or by virtue or in respect of this Act, or in anywise relating thereto, shall be deemed good Service on the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; and also to be Clerk or Clerks to the said Commissioners, and to attend their Meetings, and to sign and give all such Notices, and do and perform all such

such other Acts, Matters, and Things, as are directed or authorized to be done or performed by such Clerk or Clerks respectively, under or by virtue of the Powers, Provisions, and Directions herein contained; and also for the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, from Time to Time to remove and replace any such Clerk or Clerks at his or their Will and Pleasure; and in case of such Removal, or if any such Clerk or Clerks shall die, neglect, or resign his Office, then and in every such Case to appoint any other fit and proper Person or Persons to execute such Office or Offices in the place of such Clerk or Clerks who shall be so removed, or who shall die, neglect, or resign as aforesaid.

XV. And be it further enacted, That upon any Application in Writing to be made by or on Behalf of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or by the Owner or Occupier of any Lands or other Hereditaments to be affected by this Act, or by any Body Politic, Corporate, or Collegiate, or Person or Persons interested in any such Lands or Hereditaments, or otherwise affected by the Execution of any of the Powers herein contained, unto the said Clerk or Clerks for the Time being of the said Commissioners, to appoint a Meeting of the said Commissioners, the said Clerk or Clerks shall, and he and they is and are hereby authorized and required, within Fourteen Days after such Application made, to give Notice, by public Advertisement in the Newspaper called *The Derby Mercury*, or in some other Newspaper published or circulated in the said County of *Derby*, of a Meeting of the Commissioners, to be holden at such Time and Place as shall be specified in such Notice, such Time not being less than Ten Days, nor more than Thirty Days from the Date of such Notice, and such Place not being more than Eight Miles from the Place where the Cause of Complaint or Enquiry shall have arisen; and the said Commissioners, or any Three or more of them, are hereby authorized and required (notwithstanding any previous Adjournment) to assemble at the Time and Place so to be appointed, in order to proceed upon the said Matters of Complaint or Enquiry, and to put this Act in Execution; and the said Commissioners, or any Three or more of them, at any Meeting to be holden in pursuance of this Act, shall and may from Time to Time adjourn, and afterwards meet at such Time and Place as the said Commissioners, or the Majority of them then assembled, shall think proper and convenient; and if it shall happen, that at any Meeting of the said Commissioners there shall not appear a sufficient Number of Commissioners to act at such Meeting, or to adjourn, then and in such Case the said Clerk or Clerks for the Time being shall and may, by Notice to be given in Manner herein-before directed, appoint a Meeting of the said Commissioners at the Place where the last Meeting was appointed to be held, on any Day, not being less than Fourteen Days, nor more than Thirty Days, from the Day on which such last Meeting was appointed to be holden: Provided always, that every Meeting of the said Commissioners for hearing or determining any Complaint or Difference shall be held at some Place within Eight Miles of the Place where such Complaint or Difference shall arise.

On Application, Commissioners to hold Meetings.

XVI. Provided always, and be it further enacted, That no Meeting whatever (other than an Adjourned Meeting) of the said Commissioners shall at any Time be had (except in such Cases as are herein otherwise ordered and provided for) unless Ten Days previous Notice at least of the Time

Meeting to be public.

Time and Place of such intended Meeting shall be given and published in the said Newspaper called *The Derby Mercury*, or in some other Newspaper published or circulated in the said County of *Derby*: Provided also, that every Meeting of the said Commissioners by virtue of this Act shall be public, and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in or relating to any of the Matters or Things submitted to their Decision and Determination (except in such Cases as are hereby otherwise ordered and provided for) shall be valid, unless the same shall be done or made at a Meeting to be held in pursuance of this Act, and according to the Directions herein contained; and provided that all and every the Powers and Authorities hereby given to or vested in the said Commissioners shall and may from Time to Time be exercised by the Whole, or a Majority of the Commissioners assembled at any such Meeting respectively, the whole Number present at such Meeting not being less than Three; and at every such Meeting one of the Commissioners present shall be appointed President or Chairman, who, in case of an equal Division upon any Question before them, shall have the decisive or casting Vote.

Proceedings
of Commis-
sioners to be
entered in a
Book.

XVII. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioners, shall be regularly entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks appointed as herein mentioned; and that all and every Person and Persons interested therein shall and may at all seasonable Times have Liberty to inspect and peruse such Book or Books, and to make Extracts from or Copies of the same, paying to such Clerk or Clerks the Sum of Two Shillings and Sixpence for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the First Hour; and also paying for every such Extract or Copy, not exceeding Seventy-two Words, the Sum of One Shilling, and where the same shall exceed Seventy-two Words, the further Sum of Sixpence for every exceeding Seventy-two Words after the first; and all such Entries, being signed by such Number of Commissioners as are by this Act authorized and empowered to make such Orders, Proceedings, and Determinations respectively, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever.

Commission-
ers may de-
termine the
Price of
Lands, &c.
or Recom-
pence to be
made.

XVIII. And be it further enacted, That the said Commissioners, or any Three or more of them, assembled at any Meeting to be holden in pursuance of this Act, shall and they are hereby empowered by Writing under their Hands, (except in such Cases as are hereby otherwise provided for), with the Consent of the Parties concerned, by Examination of Witnesses on Oath, (which Oath the said Commissioners, or any of them, are hereby authorized to administer), or by any other lawful Ways and Means, from Time to Time to determine and adjust what Price or Recompence, by a Sum or Sums of Money in Gross, shall be made or paid by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, for the absolute Purchase of the Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid, for the making and maintaining the said Railways or Tramroads and Works, or any Part thereof, and other the Purposes herein-mentioned, or for any Damages which may or shall be at any Time or Times sustained by any Bodies Politic, Corporate, or Collegiate, or any Person or Persons respectively as aforesaid, being Owners
of

of or interested in any Lands, Grounds, or Hereditaments, for or by reason of the making, completing, maintaining, using, altering, extending, improving, preserving, or repairing the said Railways or Tramroads and Works, or any other of the Purposes herein-mentioned, or otherwise in the Execution of all or any of the Powers herein contained, in case such Price or Recompence respectively cannot be agreed upon by and between the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and such Proprietors of or Persons interested in such Lands, Grounds, or Hereditaments as aforesaid; and the said Commissioners, or any Three of them, although not assembled at any Meeting for the Purposes of this Act, shall and they are hereby empowered to summon and call before the Commissioners to be assembled at any such Meeting all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses, touching the Matter or Matters in Question.

XIX. Provided always, and be it further enacted, That in case the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or any such Body Politic, Corporate, or Collegiate, or other Person or Persons so interested or entitled as aforesaid, shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners, or any Three or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, and of such Dissatisfaction shall, within Fourteen Days next after such Determination shall have been made known to him or them, give Notice to the said Commissioners making the same, or to the said Clerk or Clerks for the Time being; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or such Recompence as shall be so respectively agreed for, determined, and adjusted in Manner aforesaid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, or Hereditaments, for the Space of Thirty Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or by reason of Absence or otherwise, shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, not provided for by this Act, shall be incapable of treating or making such Agreements as shall be necessary or convenient for all and singular the Ends and Purposes of this Act, or shall not within the Space of Sixty Days produce and evidence a clear or satisfactory Title to the Premises they are respectively in Possession of, or to the Interest they respectively claim therein, then and in every such Case the said Commissioners, or any Three or more of them, although not assembled at any Meeting to be holden in Manner herein mentioned, upon Application made to them, either by the said Clerk or Clerks for the Time being, or by the Person or Persons interested as aforesaid, shall and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff for the Time being of the said County of *Derby*, requiring such Sheriff as aforesaid to impanel, summon, and return a Jury; and the said Sheriff is hereby authorized

In case Parties refuse to submit to the Determination of the Commissioners, &c. a Jury to be summoned to assess the Purchase Money or Damages.

[Local.]

7 G

and

and required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Court of Record at *Westminster*, to appear before the said Commissioners, or such of them as shall be assembled at such convenient Time and Place as in such Warrant or Warrants shall be appointed, not being less than Ten nor more than Thirty Days after such Warrant or Warrants shall be served on such Sheriff; and the said Clerk or Clerks for the Time being is and are hereby also required forthwith to give Notice in Manner herein directed of a Meeting of the said Commissioners, to be holden at the Time and Place mentioned in such Warrant or Warrants; and at such Meeting a Jury of Twelve Persons, out of the Persons so impanelled, summoned, and returned, and then in Attendance, shall be drawn by the said Clerk or Clerks for the Time being, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster* are directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place to be appointed as aforesaid, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, although not assembled at any Meeting to be holden in pursuance of this Act, are hereby empowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them all and every such Person or Persons as shall be thought necessary to be examined as a Witness or Witnesses, on his or their Oath or Oaths, touching the Matters in Question; and the said Commissioners, or any Three or more of them, although not assembled at any Meeting as aforesaid, shall and may order and authorize the said Jury, or any Four or more of them, to view the Place or Places, or Matters in Controversy; and the said Commissioners, or any Three or more of them, shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and to require such Jury, Witnesses, and Parties to attend, until all such Matters in Controversy for which they were respectively summoned shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oath or Oaths to such Person or Persons respectively as shall be called upon to give Evidence, the said Commissioners, or any of them, is and are hereby empowered and required to administer), shall enquire into the Value of such Lands, Grounds, or Hereditaments, and of the respective Estate and Interest of such Body Politic, Corporate, or Collegiate, and other Person or Persons seized or possessed thereof or interested therein, or of or in any Part thereof, and shall assess the Sum or Sums of Money to be paid to every such Body Politic, Corporate, or Collegiate, or other Person or Persons, for the Purchase of such his or their Estates and Interests, or the Recompence to be made for the Damages that shall or may be so sustained as aforesaid, as the Case may be; and the said Commissioners, or any Three or more of them, shall award and give Judgment for such Purchase Monies or Recompence, so assessed by such Jury; which said Verdict, and the Judgment thereupon awarded and given, shall be signed by the said Commissioners, or any Three or more of them, and shall be final, binding, and conclusive to all Intents and Purposes, against the King's Majesty, His Heirs and

and Successors, and against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, and shall not be removed by *Certiorari*, or other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court whatsoever; any Law or Statute to the contrary notwithstanding: Provided always, that Notice of the Time and Place of making such Inquiry and Assessment by a Jury as aforesaid shall be given to or left at the usual Place of Abode of the Party or Parties interested therein, or the Tenant or Occupier of the Premises, at least Ten Days before such Inquiry and Assessment shall be made.

Previous Notice of Inquiry to be given to Persons interested.

XX. And be it further enacted, That the said Commissioners and Juries respectively shall make and award all Determinations, Verdicts, and Judgments which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands or Hereditaments, separately and distinctly from the Consideration of any Damages sustained or to be sustained by any Person or Persons in the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Determinations and Verdicts, Value of Lands and Damages, to be ascertained separately.

XXI. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgments of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Clerk of the Peace for the said County of *Derby*, and shall be deemed Records to all Intents and Purposes; and that Duplicates thereof shall also be kept by the Clerk or Clerks for the Time being to be appointed as herein mentioned, and the same or true Copies thereof respectively shall be allowed to be good Evidence in all Courts, whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Determinations, Verdicts, &c. to be recorded.

XXII. And be it further enacted, That if any such Sheriff, or his Deputy, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined, or to give Evidence, then and in every such Case the Party or Parties on whose Behalf such Person was so summoned shall and may have such and the like Remedies by Action and otherwise, as far as Circumstances will admit, against such Person so summoned and making Default as aforesaid, as if the Proceeding in which such Person shall be so summoned were an Action depending in any of His Majesty's Courts of Record at *Westminster*; or otherwise every Person so offending respectively having no reasonable Excuse to be allowed by the said Commissioners, or any Three or more of them, assembled at any such Meeting as aforesaid, shall, at the Election of the

Penalty on Sheriff, Jury, or Witnesses, making Default.

the Party or Parties on whose Behalf such Person was so summoned, for every such Offence forfeit any Sum not exceeding Ten Pounds for the Benefit of the Party or Parties in whose Behalf such Person was so summoned.

Jury to be
under the
same Regu-
lations as
Juries at
Westminster.

XXIII. And be it further enacted, That all and every such Jury and Jurymen as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury or Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, upon their Oath (or being of the Society of Persons called *Quakers*, upon their solemn Affirmation) shall wilfully and corruptly give false Evidence before the said Commissioners, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject and liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are or shall be by the Laws in being subject and liable to.

Expences of
Commission-
ers, Jury, &c.
how to be
borne.

XXIV. And be it further enacted, That when any Jury shall be summoned as aforesaid, or any Witness or Witnesses shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, the said Commissioners shall and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such several and respective Sum and Sums as shall be a reasonable Recompence for the Expences and Trouble of his Journey and Attendance; and that where the Determination of the said Commissioners to be made as aforesaid shall be acquiesced in by both Parties concerned, then and in such Case, if the Determination shall be made for more Money to be paid for the Purchase, or as the Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done as aforesaid, than shall have been previously offered by or on Behalf of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; or if no such Purchase Money, Recompence, or Satisfaction shall have been offered by him or them, or on his or their Behalf, to the Person or Persons competent to accept and take the same, all the Expences of the Calling and Meeting of the said Commissioners shall be defrayed by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; but if the Determination shall not be made for more Money than shall have been previously offered by or on Behalf of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns as aforesaid, the Expences of Calling and Meeting of such Commissioners, or so much thereof as the said Commissioners, or any Three or more of them, shall judge reasonable or proper, shall be defrayed by the Person or Persons with whom the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, shall have had such Dispute or Difference; and that in all Cases where a Jury shall be summoned as aforesaid, and the Verdict and Judgment shall be given or made for more Money as the Purchase, Recompence, or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damages to be done as aforesaid, than shall have been previously offered by or on Behalf of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, before the Meeting of the said Commissioners, or than had been determined and assessed by the said Commissioners, as the

Case may be; or if no such Purchase Money, Recompence, or Satisfaction shall have been offered by or on Behalf of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, to the Person or Persons competent to accept and take the same, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, or receive Compensations from the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, as herein mentioned, then the Expences of the Calling and Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be defrayed by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns; but if any Verdict or Judgment shall be given or made for the same, or a less Sum than had been previously offered by or on the Behalf of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, or than had been determined or assessed by the said Commissioners as aforesaid, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in every such Case (except where by reason of Absence, or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid) the Expences of the Calling and Meeting of such Commissioners, summoning such Jury, and taking such Inquest, or so much thereof as the said Commissioners, or any Three or more of them, shall adjudge reasonable and proper, shall be defrayed by the Person or Persons with whom the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall have had such Dispute or Difference; and all such Costs and Expences shall be settled by the said Commissioners present at such Meeting, or any Three or more of them, and shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Expences, as so much Money advanced to and for the Use of such Body Politic, Corporate, or Collegiate, or other Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; and in all Cases where the Whole of such Expences shall not be directed by the said Commissioners, or any Three or more of them, to be paid by such Body Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, the Remainder shall be paid by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns.

XXV. And be it further enacted, That all and every Person and Persons with whom the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall have such Difference or Dispute as aforesaid, and who shall refuse to submit any such Matter as aforesaid to the Determination of the said Commissioners, or shall be dissatisfied with their Determination thereon, or by whom such Jury shall be required as aforesaid, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, enter into a Bond to the said

Persons requiring a Jury, to enter into a Bond to prosecute.

[Local.]

7 H

Clerk

Notice of
Injury to be
given before
Complaint
made to the
Commis-
sioners.

Clerk or Clerks for the Time being in the Penalty of Fifty Pounds, or in such other Penalty as the said Commissioners, or any Three or more of them, shall appoint, not exceeding the Sum of Two hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of the Calling and Meeting of such Commissioners, of summoning such Jury, and taking such Inquest, in case such Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act: Provided always, that the said Commissioners, or any of them, shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Body Politic, Corporate, or Collegiate, or other Person or Persons whomsoever, for any Damage or Injury by him, her, or them sustained or supposed to be sustained, by or by reason of the Execution of any of the Powers of this Act, unless Notice in Writing hath been given in relation thereto, by or on Behalf of such Body Politic, Corporate, or Collegiate, or other Person or Persons, to the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, or to the said Clerk or Clerks for the Time being, to be appointed as herein-mentioned, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Commission-
ers to settle
Proportion
of Purchase
Money where
different
Interests.

XXVI. And be it further enacted, That the said Commissioners, and the said Jury, shall and they are respectively hereby empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be so agreed for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their respective Interest therein.

Purchase
Monies may
be paid to
Mortgagees
of the Lands,
if required.

XXVII. Provided always, and be it further enacted, That in case any Lands or Hereditaments, to be taken and used for the Purposes or pursuant to the Directions of this Act, shall happen to be in Mortgage to any Person or Persons, then it shall be lawful for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, upon Application in Writing being made to him or them, or to the said Clerk or Clerks for the Time being, by the Mortgagee or Mortgagees of the Premises, his, her, or their Executors or Administrators for that Purpose, to pay such Sum or Sums of Money as shall have been so agreed for, adjusted, or assessed as aforesaid, for the Purchase of or for the Damage done to such Lands or Hereditaments in Mortgage, or the Residue of such Sum or Sums, after such Allowance and Payment thereout to any Lessee or Tenant, as lastly before mentioned, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, in part Discharge and Satisfaction of the Principal Money due on such Mortgage: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt thereof by an Indorsement to be made upon such Mortgage or Mortgages, and to be signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much Money due upon such Mortgage or Mortgages.

XXVIII. Provided always, and be it further enacted, That no Sum or Sums of Money on Mortgage as aforesaid shall be paid off and discharged (save and except with the Consent of the Mortgagee or Mortgagees) unless Six Calendar Months previous Notice, under the Hand or Hands of the said Clerk or Clerks for the Time being, shall have been given to such Mortgagee or Mortgagees, or left at his, her, or their last or usual Place of Abode, of such Intention to pay off and discharge the same, or unless the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, in lieu of such last-mentioned Notice, shall pay to the said Mortgagee or Mortgagees Three Calendar Months Interest of the Money so intended to be paid off, in addition to the Interest then due to the said Mortgagee or Mortgagees, in respect thereof.

Mortgages not to be paid off without Notice.

XXIX. And be it further enacted, That if any Money shall be agreed or be 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, Infant, Lunatic, 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 said *William Spencer Duke of Devonshire*, his Heirs or Assigns, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts 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, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, 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, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements,

Application of Money to be paid to Bodies Politic or Incapacitated Persons for Lands, &c. when amounting to 200l. or upwards.

ments, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200l.
and amount-
ing to 20l.

XXX. 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 any 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before 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 the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Monies, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less
than 20l.

XXXI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid, as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three 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.

In case of
not making
out Titles,
or if Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank.

XXXII. And be it further enacted, That in case any Body Politic, Corporate, or Collegiate, or other Person or Persons to whom any Sum or Sums of Money shall be determined or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; or in case such Person or Persons to whom such Sum or Sums of Money shall be so determined or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, to order the said Sum or Sums of Money so determined or awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the
Privity

Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession at the Time of Purchase shall be deemed entitled thereto, except in certain Cases.

XXXIV. 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 Court of Chancery, 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 and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act,

Court of Chancery may order reasonable Expences of Purchases to be paid.

[Local.]

7 I

or

or so much of such Expences as the said Court shall deem reasonable, to be paid by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Satisfaction
to be made
for Tithes.

XXXV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, for all the Tithes, both Great and Small, of the Lands which shall or may be taken or made use of for the Purposes, and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tithes, in case such Lands had not been so taken or made use of according to their respective Interests therein, such Tithes to be estimated at the average Value of Four Years, commencing at *Michaelmas* One thousand eight hundred and eleven, and ending at *Michaelmas* One thousand eight hundred and fifteen; and such average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Hereditaments is herein-before directed to be ascertained.

Monies to
be paid for
Damage of
any Kind,
how to be
recovered.

XXXVI. And be it further enacted, That, in Default or Refusal of Payment by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, of such Sum or Sums of Money, and at such Times and in such Manner as shall be agreed upon, determined, awarded, or assessed, as herein-before is mentioned, as a Recompence for any Damages to be done in exercise of the Powers hereby given, the same being lawfully demanded, it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons (from whom the said Commissioners, or any Three or more of them so assembled, shall take a proper Security) to collect and receive the Tolls, Rates, and Duties of this Act imposed, or any of them, and thereout, in the first Place, to pay all such Damages so to be agreed upon, determined, awarded, or assessed as aforesaid, and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the Time such Damages shall be agreed upon, determined, awarded, or assessed, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, or Duties, and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns; and the Money so to be collected and received by such Person or Persons shall be, and is hereby declared to be, as so much Money received to and for the Use of the Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively, as such Agreement, Determination, Award, or Assessment shall be in Priority of Time, and after such Damages, Interests, and Costs shall be paid and satisfied, the Power and Authority of such Collector or Collectors for the Purposes aforesaid shall cease and determine; or otherwise the Party or Parties so aggrieved shall and may recover such Sum and Sums of Money so to be agreed upon, determined, awarded, or assessed, and which shall not be paid as aforesaid, together with Interest and Costs

for the same, by Action at Law, in any of His Majesty's Courts of Records at *Westminster*, against the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, with full Costs of Suit.

XXXVII. Provided always, and be it further enacted; That all and every Bodies Politic, Corporate, or Collegiate, or other Person or Persons to whom any Sum or Sums of Money for Damages shall be payable as aforesaid, shall and may for the Recovery thereof use all or any One or more of the Remedies by this Act given or provided for the Recovery of the same.

Remedies for recovering of Rents and Sums for Damages.

XXXVIII. And be it further enacted, That upon Payment of such Sum or Sums of Money which shall be so contracted and agreed for between the Parties, or determined and adjusted by the said Commissioners, or assessed by a Jury as aforesaid, for the Purchase of any such Lands, Grounds, or Hereditaments as aforesaid, to the Owner or Owners thereof, or other Person or Persons entitled to receive such Money respectively, or upon legal Tender of such Money to such Owner or Owners or other Person or Persons, or to the known Agent, Officer or Officers of any Body Politic, Corporate, or Collegiate, after such Money shall have been so agreed for, determined, or assessed; or if such Owners or other Persons cannot be found or ascertained, or shall refuse to accept such Money, or in case it doth not appear to whom the same ought to be paid or given, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein directed and required, it shall be lawful for the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, immediately to enter into and upon such Lands, Grounds, and Hereditaments respectively, and to take or use the same, and do all Matters and Things necessary and proper for the making, completing, maintaining, using, altering, extending, improving, repairing, or preserving the said Railways or Tramroads, and other the Works and Conveniences aforesaid, in or upon such Lands, Grounds, or Hereditaments respectively; and such Lands, Grounds, or Hereditaments, and the Fee Simple and Inheritance thereof respectively, shall be thereupon vested in the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, to and for the Purposes of this Act, and he and they shall be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate or Interest therein had actually conveyed the same to him or them by any legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Corporation, or other Person or Persons to or for whose Use the same shall be made or given, but also shall bar the Dower of the Wife of every such Person respectively, and all Estates Tail, and other Estates and Interest in Possession, Remainder or otherwise, against the Issue of such Person or Persons, and against all Infants, Females Covert, and all and every other Person and Persons whomsoever, having or claiming any Estate, Right, Title, or Interest therein, either at Law or in Equity.

On Payment of Purchase Money, or giving Security for Payment of the Rent, Lands, &c. may be taken and Works proceeded with.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, at any Meeting to be holden as aforesaid, to make such Rules, Bye Laws, Regulations,

Commissioners may make Bye Laws, &c.

tations, and Orders, for the using, managing, or preserving the said Railways or Tramroads and Works, the Construction and Dimensions of the Waggon, Carts, and other Carriages to be used thereon, the Superintendence and Government of the Agents, Servants, Carters, Workmen, and others, acting or employed in and about the same, or in the carrying or conveying of any Commodities, Goods, Wares, or Merchandizes, or other Matters or Things upon the said Railways or Tramroads, or any Part thereof, as to the meeting, passing, or stopping of any Waggon, Cart, or other Carriage, at any Place or Places where the same shall meet or pass each other, as to the lading or unlading of any Goods or other Things, or the using of any Wharf, Weighing Machine, Crane, Engine, or other the Works aforesaid, or in any other Matter or Thing relative to the good Management of the said Undertaking; and for the said Commissioners, or any Three or more of them, at any Meeting to be holden as aforesaid, from Time to Time to alter and repeal the said Rules, Bye Laws, Regulations, and Orders, and also to impose and inflict such reasonable Fines, Penalties, or Forfeitures, upon any Person or Persons offending against or breaking any such Rules, Bye Laws, Regulations, and Orders, as to the said Commissioners, or any Three or more of them, shall seem meet, not exceeding the Sum of Five Pounds, for any One such Offence; which said Rules, Bye Laws, Regulations, and Orders, being reduced into Writing, and printed and signed by Three or more of the said Commissioners, shall be binding upon and observed by all Persons whomsoever; and the same, or true Copies thereof, shall be received in Evidence in all Courts of Law or Equity, and shall be sufficient Indemnity to all Agents, Servants, and other Persons acting under the same; provided that such Rules, Bye Laws, Regulations, and Orders respectively, be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions, Directions, and Restrictions in this Act contained; and provided that Copies of such Rules, Regulations, and Orders, or such of them as shall concern or relate to the using of the said intended Railways or Tramroads and Works, or to the Conduct and Behaviour of Carters, Servants, Workmen, and other Persons employed in or about the said Railways or Tramroads and Works, or of the Persons resorting to or making use thereof, shall be printed in large Characters, and be affixed, and continued for the Space of One Month at the least, in some conspicuous Place or Places upon or near adjoining to all the Wharfs on or belonging to the said Railways or Tramroads.

Power to
take Rates,
Duties, &c.

XL. And, in Consideration of the Costs and Expences to be incurred and sustained in making and maintaining the said Railways or Tramroads, and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful to and for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, and his or their Agent or Agents, Collector or Collectors, from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, such Sum and Sums of Money, Rates, and Duties, for the Tonnage of all Commodities, Goods, Wares, Merchandizes, and other Matters and Things, which shall be conveyed or carried upon the said Railways or Tramroads, or upon any Part or Parts thereof, as shall be from Time to Time settled and regulated by the said *William Spencer* Duke of

of *Devonshire*, his Heirs or Assigns, not exceeding the several Sums, Rates, and Duties herein-after mentioned; (that is to say),

For every Ton of Limestone, the Sum of One Penny Halfpenny *per* Rates. Mile:

For every Ton of Stone (except Limestone), Lime, Coal, and other Minerals, the Sum of Two-pence *per* Mile:

For every Ton of Dung, Clay, Sand, and Gravel, the Sum of One Penny *per* Mile:

For every Ton of Timber, Goods, Wares, and other Merchandize, and all other Articles, Matters, and Things not herein-before particularized, the Sum of Three-pence *per* Mile:

And in all Cases where there shall be a Fraction of a Ton in any such Weight or Lading, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railways or Tramroads, or any Part thereof, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number, of Quarters of a Mile contained in such Fraction; and where there shall be a Fraction of a Quarter of a Mile, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Quarter of a Mile; and in order to ascertain such Distances, the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, shall cause the said Railways or Tramroads to be measured, and Stones or Posts, with proper Inscriptions, to be erected and maintained on the Side or Sides of the same, at the Distance of One-fourth of a Mile from each other, or at such other Distance or Distances as the said Commissioners, or any Three or more of them, shall think fit and direct.

XLI. Provided always, and be it further enacted, That if any Person or Persons shall claim a Right to carry or convey any Articles on the said Railways or Tramroads, exempt from or on Payment of lower Rates, Tolls, or Duties, who shall not be entitled thereto, or shall use or dispose of any of the Articles liable to Exemption, or only to the Payment of such lower Rates, Tolls, or Duties, for any other Purpose than those in respect of which such Articles may be exempted or made liable only to such lower Rates, Tolls, or Duties, and shall be thereof convicted before any Justice or Justices of the Peace for the said County of *Derby*, every such Person so offending shall for every such Offence forfeit and pay to the said *William Spencer* Duke of *Devonshire*, his Heirs and Assigns, any Sum not exceeding Five Pounds, to be levied by Distress and Sale of such Offender or Offenders' Goods and Chattels.

XLII. And whereas it may be necessary for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, to make, build, and erect proper Wharfs, Landing Places, Cranes, Warehouses, Granaries, or other Buildings, to or near to the said Railways or Tramroads, for loading, landing, flowing, and depositing Goods, Wares, Merchandizes, Commodities, and other Matters and Things; be it therefore further enacted, That in Con-

[Local.]

7 K

consideration

Fractions of
Tons, Miles,
&c.

Penalty on
fraudulent
Claim of
Exemption
from Rates.

Payment of
Rates for
Craneage,
Porterage,
Wharfage,
&c.

consideration of the Expences to be thereby sustained, and of the public Accommodation and Convenience to be thereby afforded, it shall and may be lawful to and for the said *William Spencer* Duke of *Devonshire*, his Heirs and Assigns, and his or their Agent or Agents, Collector or Collectors, from Time to Time and at all Times to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, for every Ton of Goods, Wares, Merchandize, Commodities, and other Matters and Things which shall be loaded from, or landed in or upon, or received or forwarded at or from any such Wharfs or Landing Places, Warehouses, Cranes, Granaries, or other Buildings, at each of the said Wharfs, Landing Places, Warehouses, Cranes, Granaries, or other Buildings respectively, such Sum or Sums of Money, Rates, and Duties as herein-after mentioned; that is to say,

Rates.

At every open Wharf or Landing Place any such Sum or Sums of Money as shall be from Time to Time settled and regulated by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, not exceeding Three-pence for each Ton; and at every covered Wharf or Landing Place, Warehouse, Crane, Granary, or other Building, any such Sum or Sums of Money as shall be from Time to Time settled and regulated by the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, not exceeding Sixpence for each Ton, subject to such Regulations for Fractions of Tons, and to the paying of Wharfage for Time as herein mentioned.

Payment of
Wharfage
according to
Time.

XLIII. And whereas such Goods, Wares, Merchandizes, Commodities, and other Things, may frequently lay upon the said Wharfs or Landing Places, or in the said Warehouses, Granaries, and other Buildings, which may be made in consequence of this Act, for some considerable Time; be it therefore enacted, That the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, or his or their Agents, Servants, or Wharfingers, at all and every or any of the said Wharfs, Landing Places, Warehouses, Granaries, or Buildings, may ask, demand, recover, and receive, and he and they are hereby authorized and empowered to ask, demand, recover, and receive, for any Goods, Wares, Merchandizes, Commodities, or other Things, which shall remain on the said Wharfs or Landing Places, or in the said Warehouses, Granaries, or Buildings, more than Seven Days, the following additional Rates or any less Rates, which the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, shall or may settle and regulate for the Time being, for Wharfage or Warehouse Room, according to the Length of Time such Goods and Things shall remain on the said Wharfs or Landing Places, or in the said Warehouses, Granaries, or Buildings; (that is to say),

Rates.

At every open Wharf or Landing Place, any Sum not exceeding One Halfpenny for each Ton *per* Day; and at every covered Wharf or Landing Place, or any Warehouse, Granary, or other Building respectively, any Sum not exceeding One Penny for each Ton *per* Day.

Goods re-
moved within
Seven Days
not to be

Provided always nevertheless, that if any Goods, Wares, Merchandizes, or other Things be removed and taken away, so that they shall not lay upon any of the said Wharfs or Landing Places, or in any of the said Warehouses,

Warehouses, Granaries, or Buildings, for a longer Space of Time than Seven Days, there shall not be any Thing charged for such Wharfage or Warehouse Room, according to Time, nor beyond the said respective Rates herein provided and directed for Tonnage, Wharfage, and Warehouse Room, as before mentioned.

charged
Wharfage
according
to Time.

XLIV. And for the better ascertaining the Tonnage of Goods, and other Things to be charged with the Payment of such Rates as aforesaid, be it further enacted and declared, That One hundred and twenty Pounds Avoirdupois shall, for the Purposes of this Act, be deemed, rated, or estimated, as and for One hundred Weight, any Usage to the contrary notwithstanding.

Weight of
Tonnage, &c.
ascertained.

XLV. And, for the better ascertaining and more easily collecting the said several Rates hereby authorized to be taken, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon, Cart, or other Carriage, passing upon the said Railways or Tramroads, or any Part thereof respectively, shall give an exact and true Account in Writing, signed by him, her, or them, to the Collector or Collectors of the said Rates, or his or their Servant or Servants, or other Person or Persons attending for that Purpose at the Place or Places where he or they shall so attend, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon, Cart, or other Carriage, and whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector or other Person as aforesaid demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with Intent to avoid Payment of the said Rates, or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Goods, and other Things; and so in Proportion for any less Quantity than a Ton, which shall be in any such Waggon, Cart, or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed by this Act to be paid for the same.

Owners of
Waggons,
&c. to give
an Account
in Writing
of Lading.

XLVI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, or other such Person as aforesaid, and the Owner or Person having the Charge or Care of any Waggon, Cart, or other Carriage, or any Goods or other Things, concerning any such Weight or Carriage, it shall be lawful for any such Collector, or other such Person as aforesaid, to stop and detain any such Waggon, Cart, or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon, Cart, or other Carriage, and the Goods and other Things therein contained, and all such other Goods and other Things as aforesaid; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what shall be set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment

If any Dif-
ferences arise
concerning
Weight, Col-
lectors may
weigh or
measure
Waggons.

ment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the Rates hereby appointed to be recovered and levied; but if such Goods or other Things shall prove to be of the same or less Weight or Quantity than what shall be set forth and contained in such Account as aforesaid, then the said Collector, or other such Person as aforesaid, requiring such weighing, measuring, or gauging, shall pay the Costs and Charges thereof, and also pay to the Owner of the Goods or other Things, or of the Waggon, Cart, or other Carriage, reasonable Costs for such Detention, to be settled by One or more Justice or Justices of the Peace in and for the said County of *Derby*, and to be levied and recovered as any Penalty or Forfeiture under this Act is directed or authorized to be levied or recovered.

Recovery of
Rates.

XLVII. And be it further enacted, That the several Sum and Sums of Money, Rates, and Duties hereby authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places, at or near the said Railways or Tramroads and Works, in such Manner and under such Regulations, as the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Sum or Sums of Money, Rates, and Duties, or any Part thereof on Demand, by such Person or Persons, or his or their Servant or Servants, or other Persons appointed to receive the same, the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, may sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record; or the Person or Persons to whom such Sum or Sums of Money, Rates, and Duties ought to have been paid, may and he or they is and are hereby authorized to seize the Goods or other Things for or in respect whereof any such Sum or Sums of Money, Rates, or Duties ought to have been paid, or any Part thereof, and the Waggon, Cart, or other Carriage laden therewith, and retain the same until such Payment shall be made, and also until Payment of all Arrears of any other Sum or Sums of Money, Rates, or Duties, which may then be due from the Owner or Owners of such Waggon, Cart, or other Carriage, as the Case may be, to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, together with the reasonable Charges for such Seizure and Detention; and if such Goods or other Things shall not be redeemed within Six Days next after the taking thereof, the same shall be appraised and sold, as the Law directs in Cases of Distress for Rent in Arrear.

Land Owners
may make
Wharfs.

XLVIII. And be it further enacted, That any Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds through which the said intended Railways or Tramroads shall be made, may erect or use any Wharfs or Landing Places, Cranes, Warehouses, Granaries, or other Buildings, in or upon their respective Lands, Grounds, or Wastes adjoining or near to the said intended Railways or Tramroads, and may land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same, and the said Railways or Tramroads, so that the making or using thereof do not obstruct or prejudice the Passage and Business of the said intended Railways or Tramroads, or any Part thereof; and also to demand to his and their own Use.

Use such and the like Rates of Wharfage as are herein granted unto the said *William Spencer Duke of Devonshire*, his Heirs and Assigns: Provided always, that it shall not be lawful to or for any Person or Persons to make use of any such Wharf or Landing Place, Crane, Warehouse, Granary, or Building which shall be so set out, erected, or made by any Lord or Lords, Lady or Ladies, Owner or Owners as aforesaid, for his, her, or their private exclusive Use only, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners respectively.

XLIX. Provided nevertheless, and be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, that any Part of such Lands or Grounds is necessary or proper to be used by them, for the Purpose of erecting and making Wharfs, Warehouses, and Buildings for the Use of the said Railways or Tramroads, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, and Buildings for the Use of the said Railways or Tramroads, as the said Commissioners, or any Three or more of them, assembled at a Meeting to be held as herein-before mentioned, shall think necessary on the Part or Parts of the Lands and Grounds described in such Notice, then and in every or any such Case the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of such Lands or Grounds (not being the Ground whereon any Dwelling House or Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House) for erecting and building proper and sufficient Wharfs, Warehouses, and Buildings respectively, agreeably to such Notice as aforesaid, he the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, first making Satisfaction for the same, in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns.

Owners not making proper Wharfs within a limited Time after Notice, Lands may be used for that Purpose.

L. And be it further enacted, That if any Person or Persons working or employed in working any Waggon, Cart, or other Carriage upon the said Railways or Tramroads, shall load, unload, or take into any such Waggon, Cart, or other Carriage, any Goods, Wares, Merchandizes, Commodities, or other Matters or Things whatsoever, liable to pay any of the Tolls, Rates, or Duties herein mentioned, or any of them, privately, or in any Manner with Intent or for the Purpose of evading the said Tolls, Rates, or Duties, or at any other Place or Places than at the Wharfs, Quays, or Landing Places appointed for that Purpose, without the Consent of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, such Person or Persons shall for every such Offence forfeit and pay unto the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, any Sum not exceeding Five Pounds.

Penalty on Persons taking in or unloading Goods, unless at a Wharf.

LI. And be it further enacted, That if any Wharfinger, or other Agent or Servant employed in and about the said Railways or Tramroads and
[Local.] 7 L Works

Wharfingers, &c: not to give any Preference.

Works aforesaid, shall give any Preference, or shew any Partiality to any Person or Persons in loading or unloading any Goods, Wares, or Merchandizes, or other Matter or Thing, at any of the Wharfs, Warehouses, Landing Places, Weighbeams, Cranes, Machines, or other Works hereby authorized to be made, and shall thereof be convicted before One or more of His Majesty's Justices of the Peace for the said County of *Derby*, every Person so offending shall forfeit and pay for every Offence any Sum not exceeding the Sum of Twenty Shillings.

Power to
raise Money
by Mortgage.

LII. And be it further enacted, That it shall and may be lawful to and for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, in case he or they shall think meet or expedient to borrow and take up at Interest by Mortgage, and on the Credit of the said Undertaking and the Works thereof, any Sum or Sums of Money not exceeding the Sum of Ten thousand Pounds, and the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, is and are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, as a Security for any such Sum or Sums of Money to be borrowed as aforesaid with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, who shall advance the same; all which said Mortgages and Assignments shall be made in the Words or to the Effect following; (that is to say),

Number

Form of
Mortgage.

‘ BY virtue of an Act made in the Fifty-sixth Year of the Reign of King
‘ *George* the Third, intituled [*here set forth the Title of this Act*], I
‘ the most Noble *William Spencer* Duke of *Devonshire* [*or, the Owner and*
‘ Proprietor of the said Railways and Works for the Time being] in
‘ Consideration of the Sum of _____ to me in Hand paid
‘ by _____ of _____ do hereby assign unto the
‘ said _____ his [*her or their*] Executors, Administrators,
‘ and Assigns, the said Undertaking, and all and singular the Rates arising
‘ by virtue of this Act, and all my Estate, Right, Title, and Interest of
‘ and in the same, to hold unto the said _____ his [*her*
‘ or their] Executors, Administrators, and Assigns, until the said Sum
‘ of _____ together with Interest for the same, after the
‘ Rate of _____ for every One hundred Pounds for a Year,
‘ shall be fully paid and satisfied. Given under my Hand and Seal, this
‘ _____ Day of _____ in the Year of our Lord _____.

Mortgages
to be entered
in a Book,
and kept by
the Clerk.

And all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with another to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages and Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Mortgages or Assignments, or on any other Account whatsoever; and a Memorial of every such Mortgage or Assignments, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest to be paid, shall be entered in a Book or Books to be kept by the said Clerk or Clerks for the Time being, to be appointed as herein mentioned, which said Book or Books shall and may be perused at all seasonable Times by any such Creditor or Creditors

tors of the said Undertaking, or other Person or Persons interested therein, upon Payment of the Sum of Two Shillings and Sixpence to such Clerk or Clerks for each such Inspection; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say),

‘ I ^[or, we] of in Form of
 ‘ Consideration of the Sum of paid by Transfer.
 ‘ of do hereby transfer a certain Mortgage or Security,
 ‘ Number upon the *Peak Forest* Railways, to
 ‘ bearing Date the Day of for securing
 ‘ the Sum of and Interest, and all my ^[or, our] Right
 ‘ and Property therein, to the said his ^[her or their]
 ‘ Executors, Administrators, and Assigns. Dated this Day of
 ‘ in the Year of our Lord ’

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the said Clerk or Clerks for the Time being as aforesaid, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgages or Assignments, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person or Persons who shall have made such Transfer or Transfers afterwards to make void or discharge the same, or any Sum or Sums of Money thereon due, or thereby secured, or any Part thereof.

LIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid Half-yearly to the several Persons entitled thereto; and in case the same, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, that then it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby required, on Request to them made by any Creditor or Creditors whose Interest shall be so in arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole, or such Part or Parts of the said Rates, as are liable to any such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine.

LIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to communicate with, pass upon, and use the said Railways ^{Passage on the Railways, &c. to be free, upon}

Payment of Rates.

No Waggon to pass on the Railways, unless properly constructed.

Owners and Occupiers to pass along Railways.

Persons not to travel on Horseback upon, or use Railways, except as within mentioned.

ways and Tramroads, with Waggon, Carts, or other Carriages, properly constructed as herein-after mentioned, and to use the Wharfs hereby authorized to be made, upon Payment only of such Rates as are authorized to be received by this Act, and subject to the Rules and Regulations which shall be from Time to Time made by the said Commissioners, or any Three or more of them, by virtue of the Powers herein granted, except as herein mentioned: Provided nevertheless, that no Person shall pass upon any Part of the said Railways or Tramroads, with any Waggon or other Carriage whatsoever, except for the convenient Occupation of the adjacent Lands, as herein-after mentioned, or where any Carriage Road shall cross such Railways or Tramroads, unless the same shall be constructed according to the Orders and Regulations of the said Undertaking made for that Purpose, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railways or Tramroads for collecting the Rates of Tonnage by this Act imposed; and if any Person or Persons (except as aforesaid) shall pass upon any Part of the said Railways or Tramroads with any Waggon, Cart, or other Carriage not so constructed, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns: Provided always, that no Order or Regulation, as to the Construction and Dimensions of the Waggon and other Carriages to be used on the said Railways or Tramroads, shall extend or be construed to extend to prevent the Railway Waggon or other Carriages, which are or shall be used upon the said *Peak Forest Canal Railways*, from passing and being used upon the said Railways or Tramroads hereby authorized to be made in a usual and accustomed Manner, and with the Weight of Lading usual and accustomed on the said *Peak Forest Canal Railway*: Provided always, that it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railways or Tramroads shall be made, and his and their Servants and Workmen, Cattle and Carriages at all Times to pass and repass across such Parts of the said Railways or Tramroads as shall be made in and upon, or immediately adjoining to their said Lands or Grounds respectively, for the convenient Occupation thereof, not damaging or obstructing the same, or the Passage thereof, nor using Railway Carriages thereon.

LV. Provided always, and be it further enacted, That if any Person or Persons (save and except the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, and his or their Agents or Servants, or others in Company with him or them, or by or with his or their Authority, or the Owners or Occupiers of the Lands, Grounds, or Hereditaments adjacent, and through which the said Railways or Tramroads shall be made, and his and their Servants, Workmen, and others, for the convenient Occupation thereof) shall ride, lead, or drive any Horse, Mare or Gelding, Mule or Ass, or lead or drive any Cow, or other Neat Cattle, or any Sheep, Pigs, or any other Cattle or Beast, or shall use or convey any Waggon, Cart, or other Carriage, other than as by this Act authorized and provided, in or upon the said Railways or Tramroads, or any Part thereof, (except in crossing the same at Places to be appointed for that Purpose), he, she, or they shall forfeit and pay unto the said *William Spencer Duke*

Duke of *Devonshire*, his Heirs or Assigns, any Sum not exceeding Forty Shillings for each such Offence.

LVI. And be it further enacted, That if any Waggon, Cart, or other Carriage, shall be placed or suffered to remain on any of the said Railways, Tramroads, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon, Cart, or other Carriage, shall not, immediately upon Request made, remove such Waggon, Cart, or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making such Request; and it shall be lawful for any Agent or Servant employed on or about the said Railways or Tramroads and Works to cause any such Waggon, Cart, or other Carriage, to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstructions, and detain such Waggon, Cart, or other Carriage, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal, and the Amount of such Forfeiture as aforesaid, shall be paid; and if such Payment shall not be made within the Space of One Week, then it shall be lawful for the said Clerk or Clerks, or other Agent or Agents for the Time being, employed in or about the said Railways or Tramroads and Works, to sell and dispose of such Waggon, Cart, or other Carriage, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in arrear, rendering to the former Owner of such Waggon, Cart, or other Carriage, the Overplus, after such Expences and the Charges of such Sale shall be deducted.

Penalty on leaving Waggon, &c.

LVII. And be it further enacted, That if any Person shall suffer the Loading of any Waggon, Cart, or Carriage, used upon the said Railways or Tramroads, to lie over the Sides of such Waggon, Cart, or other Carriage, or shall overload any such Waggon, Cart, or other Carriage, so as to obstruct the passing of any other Waggon, Cart, or other Carriage, and shall not immediately, upon Notice to him given for that Purpose, remove such Obstruction; or if any Person shall throw any Gravel, Stones, Rubbish, or other Matter or Thing, into or upon any Part of the said Railways or Tramroads, or other Works to be made by virtue of this Act, or in any other Manner wilfully injure the same, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons obstructing the using of the Works.

LVIII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal, or take away any Part of the said Railways or Tramroads, or any of the Works aforesaid, the same shall be deemed Felony, and every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; or in Mitigation of such Punishment such

Damaging Railways, or taking away Materials, to be deemed Felony, and punished as such; or may be mitigated.

[*Local.*]

7 M

Court

Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Gates, &c.
to be erected.

LIX. And be it further enacted, That the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall at his and their own proper Costs and Charges, within Six Calendar Months next after any Part of the said Railways or Tramroads shall be laid out or formed and used for the Purposes aforesaid, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles, in and upon the said Railways or Tramroads; and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages, over, under, or by the Side of the same, of such Dimensions and in such Manner as may be necessary; or in case there shall be any Dispute about the same, as any Two or more of His Majesty's Justices of the Peace in and for the said County of *Derby* shall from Time to Time direct or appoint, for the Use and Convenience of the Owners and Occupiers of the Lands and Grounds through which such Railways or Tramroads and Works shall be made, or for protecting the said Lands and Grounds from Trespas, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railways or Tramroads, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair and Condition by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns; and in case the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall refuse or neglect to make, erect, or set up such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same, or any of them in Manner aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes respectively by the said Justices as aforesaid, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or other Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, and Passages, as the said Justices shall have so directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same, from Time to Time, as Occasion shall require, so that in making and maintaining such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railways or Tramroads and Works hereby authorized to be made shall not be obstructed or injured for any longer Space of Time, or in any other Manner than shall be necessary for those Purposes; and all the reasonable Costs and Charges thereof, to be settled and allowed by any Two or more of His Majesty's Justices of the Peace in and for the said County of *Derby*, shall be repaid to the respective Owners or Occupiers of the said Lands or Hereditaments who shall have so erected and made, repaired or maintained, such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, within the Space of Two Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing thereof shall

shall have been delivered to and made from the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, by Delivery of such Account to, and making such Demand from the said Clerk or Clerks for the Time being, to be appointed as aforesaid; and in Default of Payment of the said Costs and Charges within the Time aforesaid, any Two or more of such Justices shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, in, about, or belonging to the said Railways or Tramroads or Works, for the Use of such Person or Persons who shall have so incurred such Costs and Charges, rendering to the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by any Two or more of such Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

LX. Provided always nevertheless, and be it further enacted, That the said *William Spencer Duke of Devonshire*, his Heirs and Assigns, and he and they is and are hereby empowered and required, at his and their own proper Charges, after any Land shall be taken for the Use of the said Railways or Tramroads and Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railways or Tramroads and Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or Stone or other Fences, and from Time to Time to maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, Stone, and other Fences, so to be made as aforesaid, in case the Owner or Owners of such Lands or Grounds adjoining to such Railways or Tramroads and Works, or any of them respectively, shall at any Time desire the same to be so fenced off; and any Two or more of His Majesty's Justices of the Peace in and for the said County of *Derby* shall direct the same to be done; or in case the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid; and that then and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained, with respect to the Gates and other Works as aforesaid, shall extend and apply and be applicable to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes, as if the said Powers, Provisions, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

Railways
may be
fenced off,
if required
or thought
necessary.

LXI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, or other Hereditaments through which the said Railways or Tramroads shall be made, do or shall, at any Time or Times hereafter, apprehend that any of the Gates, Arches, Culverts, Ditches, Drains, and Passages, or the Fences respectively which the said Justices shall have so directed or appointed to be made, or which shall be

Owners of
Land em-
powered to
erect other
Gates,
Fences, &c.
with Con-
sent.

so

so made as aforesaid, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railways or Tramroads shall pass, then and so often, or in any such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, upon Request made to him or them, or to the said Clerk or Clerks for the Time being; or in case of Refusal, for the Space of One Calendar Month next after such Request, then with the Consent and Approbation of any Two or more of His Majesty's Justices of the Peace in and for the said County of *Derby*, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, or Passages, or any other Fences, in, upon, or near to the said Railways or Tramroads, in such Places as shall be thought necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments; and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so that the Passage through or along, or the using the said Railways or Tramroads and Works, be not prevented or obstructed thereby, for any longer Space of Time, or in any other Manner, than may be necessarily required for the fixing up, erecting, and repairing such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Drains, Passages, and Fences as aforesaid.

Penalty on
leaving Gates,
&c. open.

LXII. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railways or Tramroads, or if more than One Person shall closely and immediately follow each other, then the last of such Persons shall, and he and they is and are hereby directed and required, so soon as he or they, and the Waggon, Cart, or other Carriage under his Direction shall have passed through the same, to shut and fasten the same; and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed.

Owners to
put their
Names on
Waggons,
&c.

LXIII. And for the better Regulation of the Owners of Waggons, Carts, and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act; be it further enacted, That every Owner of any Waggon, Cart, or other Carriage passing upon or along the said Railways or Tramroads, shall cause his or her Name and Place of Abode, and the Number of his or her Waggon, Cart, or other Carriage, to be entered with the said Clerk or Clerks for the Time being, to be appointed as aforesaid; and shall also cause such Name, Place of Abode, and Number, to be printed in large and legible Letters and Figures, on some conspicuous Part on the Outside of every such Waggon, Cart, or other Carriage, and shall permit and suffer every such Waggon, Cart, or other Carriage, to be gauged or measured, whenever it shall be required, by any Agent or Agents employed in or about the said Railways or Tramroads and Works, or any Person or Persons appointed for that

that Purpose, provided that no such Waggon, Cart, or other Carriage, shall be gauged or measured more than Four Times in any One Year; and every Owner of any Waggon, Cart, or other Carriage, which shall pass on any Part of the said Railways or Tramroads, without having such Name, Place of Abode, and Number thereon as herein-before directed, and every Person who shall refuse to permit and suffer any such Waggon, Cart, or other Carriage to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXIV. And be it further enacted, That the Owner or Owners of every Waggon, Cart, or other Carriage passing upon the said Railways or Tramroads, shall be and is and are hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon, Cart, or other Carriage, or any of his, her, or their Servant or Servants, or other Person or Persons belonging to or employed by him, her, or them, in or about the same respectively, unto the said Railways or Tramroads, or other Works to be made by virtue of this Act, or by loading or unloading any Waggon, Cart, or other Carriage, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon, Cart, or other Carriage, shall for every such Damage, upon Conviction of such Person or Persons before any Justice or Justices of the Peace for the said County of *Derby*, either by the Confession of the Party or Parties offending, or upon the Oath of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice or Justices is and are hereby empowered and required to administer), pay to the Person or Persons injured the Damages to be ascertained by such Justice or Justices, provided that such Damages do not exceed the Sum of Five Pounds; and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon, Cart, or other Carriage, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of such Justice or Justices, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon, Cart, or other Carriage, shall and may be prosecuted for the same in any Court of Record at *Westminster*; and if a Verdict pass against him, her, or them, or Judgment be given against him, her, or them, upon Demurrer or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit: Provided always, that in case the Owner or Owners of any Waggon, Cart, or other Carriage as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his, her, or their Servant or Servants, or other Person or Persons belonging to or employed by him, her, or them, such Servant or Servants, or other Person or Persons, shall be liable to repay such Penalty or Satisfaction to such Owner or Owners;

Owners of
Waggons
answerable
for Damages.

Owners to
recover from
their Servants
any Sums
paid for their
Neglect or
Default.

[*Local.*]

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and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same had not been repaid to him, her, or them by such Servant or Servants, or other Person or Persons, although demanded, (such Oath to be made before any One or more Justices of the Peace for the said County of *Derby*), the same Penalty shall be levied by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Servant or Servants, or other Person or Persons, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Act or Default of such Servant or Servants, or other Person or Persons as aforesaid; and in case no sufficient Distress can be had, such Justice or Justices of the Peace shall and is and are hereby required to commit such Servant or Servants, or other Person or Persons, to the common Gaol, or any House of Correction for the said County of *Derby*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Legal Measures in case of Mines approaching too near the Railways or Works, so as to endanger the same.

LXV. And be it further enacted, That if the Owner or Worker, or Owners or Workers of any Coal, Lead Mine, or other Mine or Mines, shall in pursuing such Mine or Mines work near or under the said Railways or Tramroads and Works, so as, in the Opinion of the said Commissioners, or any Three or more of them, to endanger or damage the same, it shall be lawful for the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, to treat and agree with the Owner or Worker, or Owners or Workers, for all such Coal or other Minerals as may be near or under the said Railways or Tramroads or other Works, or any of them, or as shall be thought proper to be left for the Security or Preservation of the same; and in case the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, and the Owner or Worker, or Owners or Workers of such Mine or Mines, shall disagree in the Satisfaction to be made for such Coal or other Minerals, then it shall be lawful for the Commissioners, or any Three or more of them, at the Request of the said *William Spencer* Duke of *Devonshire*, his Heirs or Assigns, or of such Owner or Worker, or Owners or Workers of such Mine or Mines, to cause a Jury to be summoned and impannelled in the Manner herein directed, who shall and they are hereby authorized and required, by such Ways and Means as are herein mentioned, to assess and determine what Satisfaction such Owner or Worker, or Owners or Workers of such Mine or Mines, ought to have and receive for any Danger or Damage which the Owner or Worker, or Owners or Workers of the said Mine or Mines, may incur or sustain in the further working thereof, or by reason of being restrained from working such Mine or Mines; which Jury shall take into their Consideration all such additional Expence or Machinery as may be found necessary for enabling the Owner or Worker, Owners or Workers of such Mine or Mines, to get the Coal or other Minerals detached or separated, by their being so restrained as aforesaid, at as cheap a Rate as if the Progress of the working or getting of the said Coal or other Materials had not been interrupted by their being so restrained; and upon Payment or Satisfaction made to such Owner or

Worker, or Owners and Workers of such Mine or Mines, by the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, according to the Verdict or Judgment of such Jury, such Owner or Worker, or Owners or Workers of such Mine or Mines, shall be and they are hereby perpetually restrained from working such Mine or Mines within the Limits for which Satisfaction shall so as aforesaid be agreed, adjudged, or declared to extend.

LXVI. Provided always, and be it further enacted, That nothing herein contained shall be construed to vest such Coal or other Minerals as shall be thought proper so to be left for the Security or Preservation of the said intended Railways or Tramroads, or other Works, in the said *William Spencer Duke of Devonshire*, his Heirs or Assigns, so as to entitle him or them to work the same, or any Part thereof.

Coal and Minerals left for the Security of Railways, &c. not to be gotten.

LXVII. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any Public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulations as to Ascent to Bridges, and Height of Fence.

LXVIII. Provided always, and be it further enacted, That in case the said intended Railways or Tramroads shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Ten Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Ten Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine (save only and except as to so much (if any) of the said intended Railways or Tramroads and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Derby*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Ten Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

If Railways be not completed within the Space of Ten Years, Powers of this Act to cease, except as to Parts certified to have been completed within the Time.

LXIX. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, Regulation, or Bye Law to be made as herein authorized or provided, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before any One or more Justice or Justices of the Peace for the said County of *Derby*; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them; and upon the appearing or not appearing of such Person or Persons, pursuant to such Summons, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and, upon the Conviction of any Person, such Justice or Justices shall and may issue a Warrant or Warrants,

Recovery of Penalties

Warrants, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and all such Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels (the Charges of such Distress and Sale being first deducted), shall (where the Application is not otherwise directed by this Act) be paid to or for the Use of the said *William Spencer Duke of Devonshire*, his Heirs or Assigns; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found, whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the common Gaol, or to any House of Correction within the said County of *Derby*, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXX. And be it further enacted, That all and every 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 following Form of Words, or any other Form of Words to the same Effect; (*videlicet*),

Form of
Conviction.

‘ } BE it remembered, That on [Time of Conviction] at [Place of
‘ To wit. } Conviction] [Name of Offender] [addition of Offender] was
‘ duly convicted before me [or, us, Name and Style of convicting Justice or
‘ Justices] for that the said [Name of Offender] on [Time
‘ of committing Offence] at [Place of committing Offence] did [here state the
‘ Offence against the Act according to the Fact] contrary to the Form of the
‘ Statute made in the Fifty-sixth Year of the Reign of His Majesty King
‘ George the Third, intituled [here set forth the Title of this Act] and I
‘ [or, we] do therefore declare and adjudge that the said
‘ [Name of Offender] has forfeited for the said Offence the Sum of [Fine]
‘ and shall be committed to [Place of Imprisonment] for the Space of
‘ [Time of Imprisonment]. Given under my Hand and Seal [or, our
‘ Hands and Seals] the Day and Year first above written.’

Distress not
to be deemed
irregular for
Want of
Form.

LXXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums 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 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

LXXII. And

LXXII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings not to be quashed for Want of Form, or removable by *Certiorari*.

LXXIII. Provided always, and be it further enacted, That any Person or Persons thinking himself or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months after the Cause of Complaint shall have arisen, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County of *Derby*, the Person or Persons appealing having first given at least Fourteen Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Clerk or Clerks for the Time being, to be appointed as aforesaid, and forthwith, after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for such County, or, if they think proper, adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County, and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye Law, Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal given to the Quarter Sessions.

LXXIV. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed; or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff

Limitation of Actions.

[*Local.*]

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or

or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his or their Action or Actions, Suit or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if any Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

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

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