



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. xxxvi.

An Act for more effectually repairing and improving the Road from the West End of the Town of *Burton-upon-Trent* in the County of *Stafford*, through the said Town, to the South End of the Town of *Derby* in the County of *Derby*.

[8th May 1818.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Road from the West End of the Town of Burton-upon-Trent in the County of Stafford, through the said Town, to the South End of the Town of Derby in the County of Derby*: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King George the Third, intituled *An Act for continuing and enlarging the Term and Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Road from the West End of the Town of Burton-upon-Trent in the County of Stafford, through the said Town, to the South End of the Town of Derby in the County of Derby*:' And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said present Majesty King George the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and increasing, altering, and enlarging the Powers, of Two several Acts passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Fourth Year of the Reign of His present Majesty, for repairing and widening the Road from the West End of the Town of Burton-upon-Trent in the County of Stafford, through the said Town, to the South End of the Town of Derby in the County of Derby*: And whereas

[Local.] 9 M the

26 G. 2. c. 59.  
4 G. 3. c. 51.  
39 G. 3. c. 14.



Former Acts repealed, and this Act to take place instead thereof.

The Tolls to be subject to all Monies borrowed on the Credit of the former Acts.

Trustees.

the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in Execution, and a considerable Progress hath been made in repairing and otherwise improving the Road by the said Acts directed to be made and repaired, and have borrowed a large Sum of Money on the Credit of the Tolls by the said recited Acts, some or one of them, authorized to be taken; which Money still remains due and owing on the Credit of the said Tolls, and cannot be paid off, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said recited Acts be further continued, and the Powers and Provisions thereof altered, amended, enlarged, and rendered more effectual: And whereas it would be more convenient to the Trustees nominated in and appointed under and by virtue of the said recited Acts, and more beneficial to the said Road, if the said recited Acts were repealed, and other and more effectual Powers granted for repairing, widening, improving, and keeping in Repair the said Road; but the same cannot be effected without the Aid and 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 from and after the Third *Wednesday* next after the passing of this Act, the said recited Acts shall be and the same are hereby declared to be repealed, and that on the same Day this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of more effectually amending, widening, and from Time to Time improving and keeping in Repair the said Road leading from the West End of the Town of *Burton-upon-Trent* in the County of *Stafford*, through the said Town, to a House now in the Occupation of *John Bainbrigge Story* Esquire, situated at the South End of the Town of *Derby* in the County of *Derby*; and the Tolls by this Act granted shall be, and are hereby declared to be, charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or on account of the Tolls authorized to be taken and collected upon the said Road by virtue of the said recited Acts, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on account of this Act.

II. And be it further enacted, That *Samuel Allsopp, Thomas Allsopp, Charles Arkwright, John Borrow, Henry Browne, John Bingham, Sir Hugh Bateman* Baronet, *Richard Bateman, Thomas Borrow, Richard Browne, Thomas Bryan Balguy, John Byng, Thomas Bent* Doctor of Medicine, *John Bingham* the younger, *Thomas Briggs, George Bakewell, Charles Bott, Daniel Parker Coke, John Clarke* Clerk, *John Cox, John Crompton, Edward Coke, Sir Henry Crewe* Baronet, *Thomas Cox, Charles Clarke, John Curzon, Rupert Chawner* Doctor of Medicine, *George Cooper*, the Mayor and Recorder of *Derby*, *John Drewry, John Dethick, John Dalby, William Evans, Samuel Evans, John Evans, Walter Evans, Sir Henry Every* Baronet, *Thomas Eaton, Thomas Eaton* Surgeon, *Edmund Evans, Arthur Evans, Richard Forrester* Forrester Doctor of Medicine, *Francis Fox* Doctor of Medicine, *Samuel Fox, Thomas Fletcher, William Tancred*



*Tancred Fowler, Sir John Dickenson Fowler Knight, Samuel Fox the younger, William Bennett Garlike Doctor of Medicine, Thomas Gisborne, Robert Christopher Greaves, Charles Stead Hope Clerk, Eusebius Horton, John Hope, Henry Hadley, Abraham Hoskins, John Harrison, Bache Heathcote, John Hall, Robert Holden, Cockshutt Heathcote, Francis Jeffop, Henry Lowe, William Jeffery Lockett, Richard Leaper, Thomas Lowe, Edward Lowe, Edward Ley, Ashton Nicholas Moseley, Edward Miller Mundy, Francis Meynell, Thomas Mellor, Poplow Moseley Clerk, Sir Oswald Moseley Baronet, Ashton Moseley, Godfrey Meynell, Henry Mozley, Francis Mundy, John Matchitt, John Leaper Newton, William Newton, Robert Leaper Newton Newton, James Oakes, George Oldham, Joseph Osborne, Egerton Orme, William Osborne, Henry Peach Clerk, Henry Pilkington, Joseph Pickford Clerk, Sacheverel Chandos Pole, Edward Pole Clerk, Joseph Pycroft, Samuel Richardson, Samuel Rowland, Samuel Richardson Radford, William Simpson Doctor of Medicine, Thomas Sale, William Strutt, Joseph Strutt, Thomas Ward Swinburne, Joseph Sandars, Joseph Douglas Strutt, Francis Severn, James Simpson, John Spender, John Spencer, Robert Stone, William Smith, Thomas Shorthose, Edward Strutt, Thomas Francis Twigge Clerk, Thomas Thornville, Josiah Cockshut Twisleton, Edward Unwin Clerk, Edward Ward, Sir Robert Wilmot of Chaddefden, Baronet, Sir Robert Wilmot of Osmaiston, Baronet, Edward Whitby, Joseph Wilson, William Worthington, Joseph Wilson, Paul Webster, Robert Harvey Wyatt, Richard Rowland Ward Clerk, and their Successors to be elected in manner herein-after mentioned, shall be and are hereby appointed Trustees for amending, widening, and from Time to Time improving and keeping in Repair the said Road, and for otherwise putting this Act in execution.*

III. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting to be held after the passing of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby nominated; and such Trustees so elected and appointed shall be and they are hereby vested with the same Powers and Authorities for executing this Act as if they had been named and appointed in and by this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That when and as often as any Trustee hereby appointed, or to be elected in manner herein-after mentioned, shall become, by Bankruptcy, Insolvency, or otherwise, disqualified to act, or shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect One or more Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so disqualified to act, or deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Road, and also by inserting the same in One of the *Derby* Newspapers, or some other public Newspaper printed in the Neighbourhood of the said Road, at least Twenty Days before every such Meeting shall be holden; and all Persons so elected are hereby vested with the same Powers and Authorities for putting this Act in Execution

For electing new Trustees.

as

as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification  
of Trustees.

V. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation following), unless at the Time of his acting he shall have or be seised of in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, in Lands, Tenements, or Hereditaments in the County of *Stafford* or *Derby*, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate of the Amount of One thousand Pounds, nor before he shall have taken and also subscribed in a Book, to be kept for that Purpose, the Oath or Affirmation herein-after mentioned before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath of  
Qualifica-  
tion.

‘ I *A. B.* do swear, [*or*, being one of the People called Quakers, do solemnly affirm,] That I truly and *bonâ fide* am seised of in my own Right [*or* in the Right of my Wife, *as the Case may be*], and in the actual Possession, Enjoyment or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, in Lands, Tenements, or Hereditaments, situated in the County of *Stafford* [*or Derby, as the Case may be*], of the clear yearly Value of Fifty Pounds [*or* am possessed of a Personal Estate of the Amount of One thousand Pounds.]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act.*]

‘ So help me GOD.’

Penalty on  
acting, if not  
qualified.

And if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act (except in administering such Oath or Affirmation as aforesaid), or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be applied to and for the Use of such Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in every such Action brought against any such Person for acting as a Trustee in the Execution of this Act without being qualified as aforesaid, the Proof of Qualification shall lie on the Person so prosecuted, and it shall be sufficient for the Prosecutor to prove that the Person so prosecuted had acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Trustee or Trustees according to the Directions of this Act.

Persons hold-  
ing Places of

VI. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, who



who shall have or accept of any Place or Office of Profit arising out of or by reason of any Tolls by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Trustee or Trustees in the Execution of this Act during the Time of his or their Enjoyment of such Place of Profit as aforesaid.

Profit under this Act not to act as a Trustee.

VII. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling-house, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors, by Retail, shall be capable of acting as a Trustee or Trustees for putting this Act in Execution, or of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, or of collecting the Tolls hereby granted, during such Time as he, she, or they shall keep such Victualling-house, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors, by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Victuallers, &c. incapable of acting as Trustees.

VIII. Provided also, and be it further enacted, That all such Trustees as are or may be Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees (except only in Cases where they are or shall be personally interested); and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Justices may act in both Characters.

Trustees lending Money, not to be disqualified on that Account.

IX. And be it further enacted, That the said Trustees or any Five or more of them shall meet together between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, on the Fourth *Saturday* after the passing of this Act, at the *King's Head* Inn, if then open, and if not, then at some other Inn in the Town of *Derby* in the said County of *Derby*, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then adjourn themselves from Time to Time, and afterwards meet at the said House, or at any other Place or Places in or near the said Road, as the said Trustees attending the said Meetings shall think most convenient, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act or to adjourn (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in such Case the Clerk to the said Trustees, by Notice in Writing to be affixed at or upon the Turnpike Gates then erected on the said Road, and also inserted in one of the *Derby* Newspapers, or in some other public Newspaper printed or circulated in the Neighbourhood of the said Road, at least Fourteen Days before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting of such Trustees was appointed to be holden, or at some other convenient House, on that Day Three Weeks from the Day on which such Meeting was

First Meeting of Trustees.

Clerk to adjourn and call Meetings, if a sufficient Number of Trustees do not attend to act, or adjourn, or neglect to adjourn.

[*Local.*]

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appointed



If the Clerk neglect or refuse to give Notice of such Meeting, Trustees may do it.

Trustees to pay their own Expences. All Orders to be made at Meetings.

appointed to have been holden ; and in case the Clerk to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days next after such Refusal, Neglect, or Prevention of such Clerk, by Notice in Writing under their Hands to be affixed and inserted in manner aforesaid, to appoint such Trustees to meet at some convenient House to be mentioned in such Notice, upon that Day Three Weeks next after the Date of such last-mentioned Notice ; and that the Trustees at all their Meetings shall defray their own Expences ; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be holden in pursuance of this Act, and not otherwise ; and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than Five of the said Trustees ; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration proposed, to be made, be affixed upon all the Turnpike Gates then erected in and upon the said Road, and also inserted in One of the *Derby* Newspapers, or in some other public Newspaper printed or circulated in the Neighbourhood of the said Road, at least Twenty Days before such subsequent Meeting, nor unless a greater Number of the said Trustees shall be present than were present at the Meeting when such Order or Determination so to be revoked or altered was or were made.

Meetings on emergent Occasions.

X. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk to the said Trustees, upon an Order in Writing, signed by Three or more of them, mentioning the Time and Place of such Meeting, shall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then erected upon the said Road, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Three Days after such Notice) ; and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

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

XI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept by the Clerk to the said Trustees for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had, or the major Part of such Trustees ; and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward ; and such Orders and Proceedings so entered and signed by such Number of the said Trustees as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed and taken to be original Orders and Proceedings ; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation herein-before directed to be taken by the said Trustees shall be entered, and also the Book or Books directed to be kept for entering the Accounts of the Clerk of the said Trustees, and also the Book or Books

Books directed to be kept for registering the Mortgages and Assignments herein-after mentioned, and all Entries in such Books respectively, shall and may be read in Evidence, in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions, touching any thing done or to be done by virtue or in pursuance of this Act.

XII. And be it further enacted, That the said Trustees or any Five or more of them may appoint such Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees or any Five or more of them shall and may, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the respective Turnpike Gates then erected upon the said Road, by any Writing or Writings under their Hands, from Time to Time remove such Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint another or others in Cases of Death or such Removal; and the said Tolls shall be paid, after the Rates herein-after mentioned, to such Person or Persons as shall be so appointed to receive the same; and the said Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at a General Annual Meeting, to be held on the First Saturday in the Month of June in every Year (which Annual Meeting the said Trustees or any Five or more of them are hereby directed to hold), give unto such Trustees true and perfect Accounts in Writing under their respective Hands of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they or any Five or more of them shall direct or appoint; and if any of the said Officers or other Persons shall not give and render such Account, then and in any or either of the said Cases it shall be lawful for any Two Justices of the Peace for the said County of *Stafford* or *Derby* (as the Case may be), and such Justices are hereby authorized and required, upon Complaint made to them by any Two or more of the said Trustees for that Purpose, to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall and may commit the Party to the Common Gaol of the said County, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account in manner aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary way in manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid to be levied by Distress and Sale

Trustees may appoint and remove Officers.

Officers shall account upon Oath at the General Annual Meeting on every First Saturday in June.

Proceedings against Officers neglecting to account.



Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) on Demand, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then the said Justices or any other Two Justices shall and may commit such Person or Persons to the Common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize until he or they shall have paid over such Money in manner as aforesaid, or shall have compounded for the same, and paid such Composition Money to the said Trustees or any Five or more of them, or to such Person as they, or any Five or more of them shall appoint to receive the same; which Composition the said Trustees or any Five or more of them at any Meeting are hereby empowered to make: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

Trustees may  
appoint tem-  
porary Col-  
lectors.

XIII. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of the Tolls, it shall and may be lawful for any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees to be held in pursuance of this Act) by Writing under their Hands, to discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint another and a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged; and the Person so appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall so die or be discharged would have had or been subject to, until the said Trustees or any Five or more of them shall, at a Meeting to be holden by virtue of this Act, appoint a Collector of such Tolls.

Trustees may  
allow Sala-  
ries.

XIV. And be it further enacted, That out of the Tolls to be collected at each respective Turnpike to be erected or continued by virtue of this Act, such Allowances shall be made to the Collector or Collectors of the Tolls at such respective Turnpikes as the said Trustees or any Five or more of them shall think proper; and that, out of the Monies to arise by the Tolls collected at all the said Turnpikes, such Allowances and Compensations shall be made to the said Clerk, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees or any Five or more of them shall seem reasonable.

Treasurer to  
give Secu-  
rity.

XV. Provided always, and be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby required to take such Security from their Treasurers, Clerks, Collectors of the Tolls, and other Officers, for the due and faithful Execution of their respective Offices, as to such Trustees or any Five or more of them shall seem expedient; and that no such Treasurer, Clerk, Collector, or other Officer shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Clerk not to  
act as Trea-

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been



been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

furor, and  
vice versa.

XVII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts or any or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the said Trustees in like Manner and under the like Penalties as are herein-before directed in respect to the several Collectors and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things, by virtue of this Act.

Persons em-  
ployed under  
the former  
Act, to ac-  
count to the  
Trustees  
under this  
Act.

XVIII. And be it further enacted, That until such Mortgages, now standing out, as were made by virtue of the said recited Acts or any or either of them, shall be received in and cancelled as herein-after mentioned, and others given in lieu thereof respectively, such Mortgages and all other Securities for Money shall be as good, valid, and effectual as if the same had been so received in and cancelled, and others given and executed in lieu thereof, or as if the same had been given as Securities for Money borrowed under the Authority of this Act.

All Mort-  
gages given  
by virtue of  
the said Acts  
to be in force  
until called  
in and can-  
celled, and  
others given  
in lieu there-  
of.

XIX. And be it further enacted, That the Trustees named and appointed, and hereafter to be named and appointed, under the Authority of this Act, shall and may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit which may be brought or commenced by the Direction of or against the said Trustees or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or any Five or more of them at a public Meeting to be held for that Purpose; but the Clerk to the said Trustees for the Time being shall be deemed to be Plaintiff or Defendant in every such Action or Suit, as the Case may be: Provided always, that every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges, as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, as aforesaid.

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

How Ex-  
pences of  
Actions are  
to be reim-  
bursed.

[Local.]

9 O

XX. And



Accounts to be kept of Repairs and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit, the said Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees may continue the present Turnpike Gates and Toll Houses.

XXI. And be it further enacted, That the said Trustees or any Five or more of them shall and may continue the several Turnpike Gates now erected, and which now stand in, upon, or across the said Road, or may from Time to Time take down, alter, or remove the same or any or either of them, and in lieu thereof shall and may erect and set up, or cause to be erected and set up, such and so many Toll Gates and Turnpikes in, upon, and across the said Road, and in such Situations, Place or Places, as they the said Trustees or any Five or more of them shall think proper; and also shall and may continue, or erect and provide, or cause to be erected and provided, such Toll Houses in, upon, or adjoining to the said Road, at such Places where the said Turnpikes and Turnpike Gates are or shall be erected or set up, as the said Trustees or any Five or more of them shall think proper; and order and direct the Expences of removing, setting up, and erecting such Turnpikes and Turnpike Gates, as the Case may happen, and of building and erecting all such Toll Houses, and of keeping up and supporting the same respectively, to be borne and paid by and out of the Monies to be raised, procured, and collected by and under the Powers and Authorities of this Act, in the Manner hereinafter mentioned and provided.

Toll Houses and other Things vested in the Trustees.

XXII. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houses, and Buildings erected upon the said Road by virtue of the said recited Acts, or to be erected by virtue of this Act, and of the Materials for building the same, and also of the Cast Iron Mile Posts, and of all Rails, Posts, and Fences which shall belong to the said Road, and also of all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had, for amending and repairing the said Road, shall be and the same are hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered to prefer or order to be preferred any Bill or Bills of Indictment or Indictments against any Person or Persons who shall steal, take, carry away, or injure the same, or shall interrupt them the said Trustees or any of them, or any of their Officers, in the Possession thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally



uch Turnpikes, Toll Houses, Buildings, Mile Posts, Materials, Tools, Implements, and other Matters and Things, to be the Property of the Clerk for the Time being to the said Trustees.

XXIII. And be it further enacted, That the respective Tolls following shall be demanded and taken at each of the said Turnpikes or Toll Gates, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse, Beast, or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through the said Turnpikes, or any Turnpike to be erected in lieu of the same; (that is to say), Tolls to be taken.

For every Horse, Mule, Ass or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Gig, Curricule, Hearse, Calash, Chaise Marine, or other such Carriage, the Sum of Three-pence: Tolls.

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Two-pence:

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, the Sum of Three-pence:

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having narrow Wheels, the Sole or Bottom of the Fellies being of less Breadth than Six Inches, the Sum of Four-pence Half-penny:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Pair of Mill Stones, if drawn in Pairs, and for every single Mill Stone or Block of Stone, or Piece of Timber, drawn by Five or by less than Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horses or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast exceeding that Number, in addition to the said Two Shillings and Sixpence:

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score; and so in proportion for any greater or less Number:

And that from and after the Fifth Day of *April* One thousand eight hundred and twenty-one, the Tolls granted by this Act for and in respect of every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, shall cease and be no longer payable; and that instead thereof there shall be demanded and taken, at every Toll Gate or Turnpike which shall be erected or continued on the said Road, before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, shall be permitted to pass through the same, (that is to say),

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Nine Inches or upwards, with flat Surfaces, and not deviating more than One Quarter of an Inch therefrom,



therefrom, and with the Nails countersunk, so as not to rise above the Level, the Sum of Two-pence :

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, with flat Surfaces, and having the Nails countersunk as aforesaid, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having narrow Wheels, the Sole or Bottom of the Fellies thereof being of less Breadth than Six Inches, and with Nails countersunk as aforesaid, the Sum of Four-pence Half-penny : And,

For every Horse, Mule, Ass or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having narrow Wheels, the Sole or Bottom of the Fellies being of less Breadth than Six Inches, but with Nails not countersunk, or which shall rise above the Surface of the Tire, the Sum of Sixpence :

All such Waggon, Wains, Carts, or other such Carriages, the Sole or Bottom of the Fellies of the Wheels of which deviate from a flat Surface, as before described, shall be deemed as having narrow Wheels; and for every Horse or other Beast drawing the same, the Tolls shall be paid accordingly.

And that on each and every *Sunday* during the Continuance of this Act, there shall be demanded and taken at each of the said Turnpikes or Toll Gates, by such Person or Persons to be nominated and appointed as aforesaid, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same, Half the said Tolls in addition to the Tolls aforesaid to be respectively demanded and taken for every Horse, Beast, or other Cattle, or any Coach, Waggon, Wain, Cart, or other Carriage, passing through any or either of the said Turnpikes or Toll Gates on any other Day of the Week :

Tolls to be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken as and for or in the Name of a Toll ; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses or other Cattle, or of any Carriage upon which any Toll is by this Act imposed, or by Distress of any of the Goods or Chattels of such Person or Persons; and if such Tolls and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) on Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted ; and that all Monies so to be collected or levied shall be and are hereby vested in the said Trustees, and shall be applied to the Purposes of this Act.

Tolls vested in Trustees.

Trustees may erect Side Gates and Toll Houses.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them to erect, set up, and provide, or cause to be erected, set up, and provided, One or more Turnpike or Turnpikes, or Turnpike Gate or Gates, Toll House or Toll Houses, on the Side or Sides of any Part or Parts of the said Road, across any Highway leading into the same, and to cause such Tolls to be collected and



and levied at such respective Turnpikes as are by this Act made payable upon the same Road, so as that the same do not amount to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid for passing through either of the said Turnpikes or Turnpike Gates herein-before authorized to be erected across the said Road.

XXV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charge of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling  
Disputes  
concerning  
Tolls.

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

Trustees may  
lease the  
Tolls.

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

Toll-Bar  
keepers not  
incompetent  
Witnesses.

XXVIII. Provided, always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken in any one Day, to be computed

No more  
than Two  
full Tolls to

[Local.]

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from



be taken in  
one Day.

from Twelve of the Clock at Night till Twelve of the Clock in the next succeeding Night, for the Passage of any Horse or other Cattle, Coach, Waggon or other Carriage, through all or any of the Gates or Turnpikes now erected or hereafter to be erected upon, across, or on the Sides of the said Road; but that all and every Person and Persons having paid the said Two full Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Two full Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of such Tolls), shall pass and repass with the same Horse or other Cattle, Coach, Waggon, or other Carriage, Toll-free during such Day (to be computed as aforesaid), through all the Gates or Turnpikes now erected or hereafter to be erected upon, across, or on the Sides of the said Road.

Trustees to  
provide  
Tickets,  
denoting  
Payment of  
Tolls, &c.

XXIX. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

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c. 119.  
extended to  
this Act.

XXX. Provided always, and be it further enacted, That the several Powers, Clauses, and Provisions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to this Act, and shall and may be exercised and executed by the said Trustees or any Five or more of them, and be applicable to Waggon, Wains, Carts or other such Carriages, passing along or over the said Roads, any Thing herein contained to the contrary notwithstanding.

Exemptions  
from Toll.

XXXI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Carriage passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Stone, Brick, Lime, Gravel, or other Materials for making and repairing the said Road, or for repairing the Highways in any Parish or Township through which any Part of the Road leads; nor for any Horse, Cattle, or Carriage, the Wheels whereof shall be of the Breadth of Six Inches at the least, laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Stone, Lime, Marl, Muck, Dung, Mould, Soil, Compost, or Manure of any Nature or Kind whatsoever, to be used in the draining, manuring, or improving of Lands only; nor for any Horse, Cattle, or Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Hay or Corn in the Straw, to be laid up in the Outhouses, Barns, Stables, Yards, or other Places belonging to the Inhabitants or Occupiers of Lands in any of the said Parishes; nor for any Plough, Harrows, or Implements of Husbandry belonging to any of the said Inhabitants or Occupiers, to be used in the said Parishes or any of them; or for any Waggon or Cart unladen, going or returning to or from any of the said Parishes; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship,



or visiting his sick Parishioners; nor of or from any Person or Persons for passing through any or either of the said Turnpike Gates to or from his, her, or their Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in any of the Parishes through which the said Road doth lead; nor for any Horse or other Cattle belonging to any of the said Inhabitants or Occupiers, which shall only be going to or returning from Pasture or Water, or from Plough or Tillage, or Work in Husbandry; or for any Horse or Cart passing unladen for or returning laden with Milk, or being laden with Milk or returning unladen; or for any Horse, Cattle, or Carriage belonging to any Inhabitant of any Parish wherein any Turnpike or Turnpike Gate is or shall be erected, which shall only be passing to the Smith's Shop in such Parish in order to be shod or repaired, or for the Return of any such Horse, Cattle, or Carriage unladen; or for any Horse, Cattle, or Carriage belonging to any Inhabitant of any Parish in which any such Turnpike is or shall be erected, going to or returning from any Corn Mill in such Parish for or with any Corn, Grain, Malt, Meal, or Flour for the Owner's own Use or Consumption in his or her Dwelling House, and not for Sale; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horses of Soldiers on their March or on Duty, or for Cattle or Carriages attending them, laden only with their Arms or Baggage, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying such Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Carriage drawing the same, employed in conveying any Ordnance or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed, or any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is or shall be dressed in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or to the House of Correction, or returning after being so employed; nor from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Stafford* or *Derby*, on the Day before or on the Day of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the said Exemptions, or any other Exemptions from Tolls by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XXXII. And



Exempting  
Carriages  
conveying  
King's  
Stores, &c.  
from Penal-  
ties for  
Overweight.

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

Power to  
compound for  
Tolls with  
Persons pass-  
ing through  
Turnpikes.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, if they shall think proper, and they are hereby authorized and empowered, from Time to Time to compound with any Person or Persons, for any Period of Time not exceeding Twelve Calendar Months, for any Horses, Cattle, or Carriages passing and repassing on the said Road, or any Part or Parts thereof, for all or any of the Tolls to be paid in respect thereof; and all such Composition Money shall be paid in advance, quarterly or otherwise, as the said Trustees shall appoint, or in default thereof every such Composition shall be null and void to all Intents and Purposes.

Penalty on  
Persons dis-  
posing of  
Tickets to  
evade Pay-  
ment of Tolls.

XXXIV. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person in order to evade the Payment of the said Tolls, every such Person so offering or disposing of such Note or Ticket, and the Person receiving or making use of the same, shall respectively forfeit and pay any Sum not exceeding Twenty Shillings, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on  
evading  
Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, go or pass through or over any Land, Ground, or Place lying near any Turnpike or Toll Gate now erected in, upon, or across the said Road, or which shall be erected by virtue of this Act (the same not being a public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family), with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons, being the Owner or Occupier of any such Ground, Land, or Place, shall knowingly or wilfully permit or suffer any other Person or Persons, not being his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family or Families, with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land, Ground, or Place, with Intent to evade any of the said Tolls; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle



Cattle or Beast, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate or Turnpike, or having passed through any Toll Gate or Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall or may be evaded; or if any Person or Persons shall do any other Act in order or with Intent to evade the Payment of the said Tolls or any Part thereof; such Person or Persons, and every of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXVI. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any ways hinder or prevent any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names; or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the said Tolls, and naming and specifying the Gates freed by such Payment; or, upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Person or Persons from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Road; or shall without sufficient Cause detain or delay any Person or Persons travelling upon the said Road; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls.

XXXVII. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may hap-

For settling Disputes concerning Tolls.

[Local.]

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pen), until the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall Award such Costs and Charges to either Party as to the said Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Application  
of Tolls.

XXXVIII. And be it further enacted, That all the Tolls, Monies, and other Effects, which the said Trustees or any of them, or any Treasurer, Collector, or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Tolls and other Sum and Sums of Money arising or to arise in respect of the said Road, the Expences of procuring and passing this Act shall in the first Place be paid and discharged, and the Remainder thereof shall from Time to Time be applied in amending, widening, altering, turning, repairing, improving, and keeping in Repair the said Road, and in paying the Principal and Interest of all Monies now due and owing on the Credit of the Tolls arising upon the said Road by virtue of the said recited Acts, or which may hereafter become due and owing on the Credit of this Act, and in defraying the Expences attending the Execution of this Act, and to or for no other Use or Purpose whatsoever.

Trustees may  
borrow  
Money upon  
Mortgage of  
Tolls.

XXXIX. And be it further enacted, That the said Trustees or any Seven or more of them, at any Meeting to be holden for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the said Turnpikes, and inserted in One of the *Derby* Newspapers, or some other public Newspaper printed and circulated in the Neighbourhood of the said Road, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals respectively, to borrow and take up at Interest such Sum or Sums of Money as they shall think fit and proper, and to assign over or mortgage all or any of the Tolls to arise and be collected by virtue of this Act, and also the Toll Houses and Appurtenances thereunto belonging (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for such Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest (not exceeding legal Interest) as the said Trustees or any Seven or more of them shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the said Tolls to arise and be collected at the said Turnpike Gates are hereby directed to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and that such Mortgage  
or



or Mortgages, Assignment or Assignments, may be in the Form following, or in such other Form as the said Trustees making the same shall think proper; (that is to say),

‘ **BY** virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act* Form of Mortgage.  
 ‘ [here insert the Title of this Act] in Consideration of the Sum of  
 ‘ to A. B. the Treasurer appointed  
 ‘ by the Trustees for putting the said Act into Execution, having been  
 ‘ this Day paid by C. D. of ; we, whose  
 ‘ Hands and Seals are hereunto subscribed and set, being  
 ‘ of the said Trustees, do grant and assign unto the said  
 ‘ his Executors, Administrators, and Assigns, such  
 ‘ Proportion of the Tolls arising or to arise upon the Road in the said Act  
 ‘ mentioned, and of the Turnpikes and Toll Houses for collecting the  
 ‘ said Tolls, as the said Sum of doth or shall  
 ‘ bear to the whole Sum due and owing on the Credit of the said Tolls,  
 ‘ or charged thereupon for the Term of the said Act, to have, hold,  
 ‘ receive, and take such Proportion of the said Tolls, Toll Houses, and  
 ‘ Premises, with the Appurtenances, unto the said  
 ‘ his Executors, Administrators, and Assigns, for the Residue and  
 ‘ Remainder now to come of the Term of Twenty-one Years, for which  
 ‘ the said Tolls are granted by the said Act; subject to the Proviso fol-  
 ‘ lowing; that is to say, Provided always, that if the said Sum of  
 ‘ shall be repaid to the said his  
 ‘ Executors, Administrators, or Assigns, together with Interest for the  
 ‘ same after the Rate of *per Centum per Annum*,  
 ‘ without any Deduction whatsoever, on or before the  
 ‘ Day of now next ensuing, then this Assignment  
 ‘ shall be void, or else shall remain in full Force. In Witness whereof  
 ‘ we have hereunto set our Hands and Seals, this Day  
 ‘ of .’

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Mortgage, and the principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

‘ **I** The within-named A. B. [or I, C. D. Assignee [Executor or Ad-  
 ‘ ministrator] of the within-named A. B. [as the Case may happen to  
 ‘ be] do transfer the within Mortgage Security, with all my Right and Form of Transfer.  
 ‘ Title to the principal Money thereby secured, and to all Interest now  
 ‘ due and hereafter to become due thereon, unto  
 ‘ his [or her] Executors, Administrators, and Assigns.  
 ‘ Dated this Day of One thousand eight  
 ‘ hundred and . Witnesses to the signing thereof, C. D.  
 ‘ Which



Transfers to  
be entered by  
the Clerk.

Which Transfer shall be produced and notified to the said Clerk within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money, therein transferred; for which Entry or Memorial the said Clerk shall be paid the Sum of Ten Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein respectively mentioned, Creditors on the said Tolls, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of such Mortgages, Assignments, or Transfers.

No Priority  
of Mort-  
gages.

Power to  
cancel all  
Mortgages,  
and give new  
ones.

XL. And be it further enacted, That the said Trustees or any Seven or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Acts, on the said Tolls, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in manner and transferrable as hereinbefore is mentioned.

Trustees may  
widen, divert,  
turn, or alter  
any Part of  
the Road;

and purchase  
Land for that  
Purpose.

Bodies Po-  
litic, &c. em-  
powered to  
sell.

XLI. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby fully empowered, from Time to Time at their Discretion, to widen, divert, turn, or alter the Course or Path of any Part or Parts of the said Road, and to set out and make the same of any Width, not exceeding Sixty Feet, through any Common or Waste Ground, without making any Satisfaction for the same; and also through any private or inclosed Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees or any Five or more of them, to treat, contract, and agree with the Owners of, and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage which such Owners, or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of Infants, Females Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees or any Five or more of them for the Sale of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes of this Act, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all



Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof, in anywise notwithstanding; and that all Persons shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act: Provided always, that it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One Hundred Yards from the present Line or Course of the said Road without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

But not to deviate more than 100 Yards from the present Line without Consent.

XLII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid interested in any such Lands or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments, intended to be taken in and added to the said Road, and through which the said Road shall be turned as aforesaid, shall, for the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County in which such Lands or Hereditaments shall lie or be situate (which Oath any Two or more of the said Trustees are hereby empowered and required to administer), what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested, for or on account of the taking of such Lands or Hereditaments into the said Road, or of widening, diverting, turning, or altering such Road through the same; and in order thereto the said Trustees, or any Five or more of them are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they the said Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict, or Inquisition, and Judgment, Order and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are

Where Persons interested neglect or refuse to treat.

Damage and Recompence to be settled by a Jury.

Witnesses to be examined on Oath.

Verdict of Jury to be final.

[Local.]

9 R

hereby



For impan-  
nelling a  
Jury.

hereby empowered to issue out their Warrant or Warrants, to the Sheriff of the County in which such Lands or Hereditaments shall be or lie, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees or any Five or more of them at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may  
be chal-  
lenged, and  
Sheriff fined  
for Default.

XLIII. Provided always, and be it further enacted, That the said Trustees and all Persons interested shall have their lawful Challenges against any of the said Jurymen; and the said Trustees or any Five or more of them acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, or shall refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the said Penalties and Forfeitures are herein-after directed to be levied and disposed of, so as that no such Fine exceed the Sum of Ten Pounds upon any one Person for one Offence.

Money  
agreed upon  
or assessed for  
Lands, how  
to be charged  
and tendered.

XLIV. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid shall be and is and are hereby charged upon the Tolls by this Act granted, or on the Monies to be borrowed on the Credit of such Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, or on depositing the same in the Bank of *England* in manner by this Act directed (as the Case may be), for the Use of such Persons, and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into or upon, and to take unto or add to the said Road, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing in relation to such Lands and Hereditaments, as the said Trustees or any Five or more of them shall think proper; and such Lands and Hereditaments so taken into or made Part of the said Road shall be deemed and taken to be and shall be to all Intents and Purposes,  
a public



a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Road, hereby directed to be repaired is by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road shall be vested in, and shall and may be sold and conveyed by the said Trustees or any Five or more of them for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act.

XLV. And whereas by reason of the diverting, turning, or altering the said Road, or by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, the said Trustees may happen to be seized of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Ground or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees may sell Ground, &c. not wanted for the Purposes of this Act.

XLVI. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell the same (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on each Side of such diverted Road, or the Person or Persons from whom the same shall have been purchased; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on the Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased, shall refuse to purchase or repurchase the same (as the Case may happen to be), an Affidavit, to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury, in manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees or any Five or more of them in pursuance of this Act; and the Expences of hearing

Persons whose Lands adjoin to have the Preference.



hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

How Expences of Jury and Witnesses are to be borne.

XLVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Monies as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Interest, or Property, or the Loss or Damage sustained as aforesaid, shall be borne and paid by the said Trustees or any Five or more of them out of the Tolls or other Monies arising by virtue of this Act, or out of any Money borrowed or to be borrowed upon the Credit thereof; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein such Lands or Grounds and Hereditaments shall lie, not interested in the Matter in question (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees out of the Monies to arise by virtue of this Act.

Application of Compen-

XLVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased,



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 other Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, or any Three or more of them, 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 Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner, as the Lands, Tenements, 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 or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, 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 meantime, 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase, or Settlement were made.

Application Money  
if amounting  
to 200l.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner here-inbefore

Application  
of Compen-  
sation Money  
where less  
than 200l.  
and exceed-  
ing 20l.

[*Local.*]

9 S

directed;



directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application  
of Compensation  
Money  
where not  
more than  
20l.

L. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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,  
Purchase Money  
to be paid  
into the Bank,  
subject to the  
Order of the  
Court of  
Chancery.

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



LII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be 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 to 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.

Persons in Possession to be deemed presumptively entitled, &c.

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

The Court may order reasonable Expences of Purchases, &c. to be paid by Trustees.

LIV. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Tenements, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees or any Three or more of them, or to such Person or Persons as they shall appoint, of the said Lands, Tenements, or Hereditaments for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances shall contain such usual and reasonable Covenants as shall on behalf of the Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made,

Upon Payment of Purchase Money, Conveyances to be executed.



made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum or Sums of Money so agreed, awarded, or adjudged to be paid as aforesaid shall be paid into the Bank of *England* in manner herein-before mentioned; and when and so soon as the same shall be so paid into the Bank, all Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever, in Law and Equity, of all and every Person or Persons who shall be entitled to such Money of, into, from, and out of the same Lands, Tenements, or Hereditaments, or any Part thereof, shall vest in the said Trustees, and they the said Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, as fully and effectually to all Intents and Purposes, as if all and every Person and Persons having any Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim or Demand of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

Trustees not  
to take down  
Houses, &c.

LV. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the taking or pulling down of any Dwelling House or other Buildings, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained for that Purpose; any thing herein contained to the contrary notwithstanding.

Persons  
liable to the  
Repair of the  
Highways to  
continue so.

Statute Work,  
or Compo-  
sition Money  
in lieu there-  
of, how to be  
performed or  
paid.

Surveyors of  
Highways to  
deliver in  
Lists.

LVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be, or are by this Act made chargeable towards repairing and amending the said Road or any Part thereof, shall still remain and be liable thereto in like Manner as they were before the passing of this Act, or as they are by this Act made chargeable and liable thereto, or as any Inhabitants or other Persons are liable thereto by Law in respect of the Roads in their Parishes; and that it shall and may be lawful for any Two or more Justices of the Peace of the said County of *Stafford* or *Derby* (as the Case may be), and they are hereby empowered and required, within their own Jurisdiction (upon Application made to them for that Purpose by the said Trustees or any Two of them, or by their Clerk or Surveyor or Surveyors by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road or any Part thereof doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto it shall be lawful for the said Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Writing, before such Justices,



Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons either personally, or by leaving the same at his, her, or their Dwelling House or Dwelling Houses), a List or Lists of the Names of the several Persons who within such Parishes, Townships, or Places respectively, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, not being Hay-time or Harvest, and on such Parts of the said Road, as the said Trustees or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid to the said Trustees, or to their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road or any Part thereof, shall be found idle or negligent by any Surveyor to the said Road, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending and improving the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such last-mentioned Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
not perform-  
ing Statute  
Work, or not  
paying Com-  
position  
Money.

[Local.]

9 T

LVII. Pro-



Trustees may  
compound  
for Statute  
Work.

LVII. Provided always, and be it enacted, That it shall be lawful for the said Trustees or any Five or more of them to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to or charged with the Repair of any Part of the said Road within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places first had, at any Vestry or other public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part of the said Road; and in case such Composition Money shall not be paid to the said Trustees or any Five or more of them, or to such other Person as they shall appoint to receive the same, within Fifteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County in which such Part of the said Road shall lie, upon Oath made before him or them of such Default (which Oath the said Justice or Justices is and are hereby empowered to administer), and he or they is or are hereby required, to issue a Warrant under his or their Hand and Seal or Hands and Seals, empowering such Person, so by the said Trustees or any Five or more of them appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or have made such Composition as aforesaid; and such Goods and Chattels so distrained, after the Space of Four Days (such Composition Money and the reasonable Charges of distraining and keeping the same not being paid), to sell, rendering the Overplus (if any) to the Owner or Owners thereof on Demand, after the Composition Money and all reasonable Charges of such Distress and Sale shall be deducted, which Composition Money shall be applied to the Purposes of this Act; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Power to  
contract with  
any Person  
for repairing  
the Road.

LVIII. And be it further enacted, That the said Trustees or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for repairing, widening, or altering the said Road or any Part thereof, and for erecting Turnpikes, Toll Gates, or Toll Houses, Milestones or Posts thereon, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper.

Contracts to  
be binding.

LIX. And be it further enacted, That all Contracts in Writing entered into pursuant to any Order made or to be made at any Meeting by the said Trustees or any Five or more of them shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.



**LX.** And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors having an Order from the said Trustees or any Five or more of them for that Purpose), to remove and prevent all Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn or alter any Watercourses, Sinks, or Drains, running over, into, along, or out of the said Road, to the Prejudice or Injury thereof; and to open, scour, and cleanse, and also to make or cause to be made, any Watercourses, Sinks, Ditches, and Drains near or adjoining to the said Road, and make the same as deep and large, and in such Manner, as he or they shall think proper and necessary for the Purposes of this Act; and at proper Seasons of the Year to cut down, lop, or top any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, such Trees or Bushes not being an Ornament to a House or other Building, and not standing in any Garden, Orchard, Yard, Park, Paddock, or planted Walk, or Avenue to a House; and to take and carry away the same in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove or abate such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors of the Road, by Order of the Trustees, may remove Annoyances on the Sides of the Road.

**LXI.** And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors (by Order of the said Trustees or any Five or more of them) to make or cause to be made Footpaths and Causeways upon and along the Side or Sides of the said Road; and also to make or cut Ditches and Drains in, upon, under, and along the Side or Sides of the said Road, and also through any Grounds lying contiguous thereto, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, and to erect Bridges, Arches, and other necessary Works upon the said Road; and also to make or cause to be made a Road through the Grounds adjoining or lying near to any hollow Way, or of any narrow or ruinous Part of the said Road (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made use of for all Passengers, Cattle, Carriages, or otherwise, as a public Highway, whilst the old Road is repairing or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drains shall be made, or on which any such Bridges or Arches shall be erected, or through which any temporary Road shall be made, for the Damages which

Surveyors, by Order of the Trustees, may make Causeways, Drains, &c. and may make temporary Roads through adjoining Grounds, whilst the old Road is repairing;

making Satisfaction.



which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them assembled at the next General Quarter Sessions of the Peace to be holden for the County where such Lands shall lie, or at their Second General Quarter Sessions of the Peace at the farthest, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive.

Surveyors  
may dig for  
Gravel.

**LXII.** And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors to be appointed by virtue of this Act, and such Persons as he or they, or any Five or more of the said Trustees, shall appoint, to dig, gather, and take away, or search for any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Road, in, from, or out of any common River or Brook, or any Commons or Waste Grounds, in any Parish, Town, Village, or Hamlet in which any Part of the said Road doth lie, without paying any thing for such Materials; such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise to be railed or fenced out, where and from whence any of such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers, and paying for the Damages done by leading; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing made by any Two or more Justices of the Peace for the County where such Lands shall lie or be situate, upon the Application of the said Trustees or any Two or more of them for that Purpose), to search for, dig, gather, and take away such Materials out of the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees, paying such Rates for such Materials, and for Damage done to the Owners or Occupiers of such Grounds where and from whence the same shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference concerning the same, any Two or more Justices of the Peace for the County where such Lands shall lie, shall and may adjudge and determine the same: Provided always, that nothing herein contained shall extend to authorize or empower the said Surveyor or Surveyors, or any other Person to be employed in the Execution of this Act, to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of any River or Brook whatsoever.

Surveyors  
not to carry  
away Mate-  
rials out of  
private  
Grounds,  
without

**LXIII.** Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyors, or any other Person or Persons under the Authority of this Act, to dig, get, or gather, or to take and carry away Materials for repairing the said Road, in or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier



Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County where such Lands are situated, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

giving Notice  
to the Occu-  
pier.

LXIV. And be it further enacted, That if any Person whomsoever shall take or carry away any Stones or other Materials which shall have been dug or gathered for the Purpose of making, repairing, completing, or amending the said Road or any Part thereof, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Person authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
taking away  
Materials  
got by the  
Surveyors.

LXV. And be it further enacted, That the said Trustees or any Five or more of them shall or may cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees or any Five or more of them shall think proper, and order and direct; and if any Person shall wilfully pull up or damage any of such Posts or Stones, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway or Causeway along or adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footways or Causeways; or if the Driver of any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones erected for the Security of the Footway or Causeway, or drive the Wheel of his Carriage against the same, or shall wilfully or carelessly drive the Wheel of his Carriage upon any Footway or Causeway made or to be made in any Part of the said Road, or against the Side or Sides thereof; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Road, to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other

Roads, to be  
measured,  
and Mile-  
stones  
erected.

Penalty on  
pulling up or  
defacing  
Milestones;  
or riding or  
driving  
Horses, &c.  
on Footways;

or damaging  
Horse Cause-  
ways, &c.

or dragging  
Timber or  
Stone;

or laying  
Hay, Straw,  
&c. upon the  
Road to be  
made into

[Local.]

9 U

Matter



Manure, or  
scraping the  
Road with  
sharp-pointed  
Instruments;  
or leaving  
Waggons,  
Timber,  
Stones, Hay,  
or Rubbish,  
&c. on the  
Sides of the  
Road.

Matter or Thing, which shall be or lie upon any Part of the said Road, with an Iron Cow Rake, or other Instrument with sharp Points, whereby the said Road or any Part thereof shall be damaged; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough, upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the said Road or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse on either Side thereof; or if any Person or Persons shall turn on or leave or suffer any Horse, Mule, Ass, or other Cattle, Sheep, Beasts, or Pigs, to be and remain loose on the said Road; or if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road; or if any Person or Persons shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball on any Part of the said Road; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice or Justices of the Peace before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be), in, upon, or on the Side or Sides of any Part of the said Road, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Road or any Part thereof, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the County in which the Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to him for that Purpose, to administer), every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattels of such Offender; one Moiety whereof shall be allotted and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the House of Correction, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, or until he or she shall have paid the Sum adjudged by the said Justice or Justices to have been so forfeited.



LXVI. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize or detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence shall have been committed; and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

For securing  
transient  
Offenders.

LXVII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed as to open inward towards such Field, Ground, Yard, or other Place, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, Ground, or other Place, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Gates to  
Fields, &c. to  
open inwards.

LXVIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the said Tolls, or Gatekeeper, or any other Person, in the Execution of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
Persons ob-  
structing the  
Execution of  
this Act.

LXIX. And be it further enacted, That if any Person or Persons, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath and give Evidence before such Justice or Justices of the Peace, or at any Sessions or Adjournment thereof, then and in either of such Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on  
Witnesses not  
attending  
when sum-  
moned.

LXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices



Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the like Effect (as the Case may happen), and shall not be obliged to set forth the Evidence at length; (that is to say),

Form of  
Conviction.

to wit. } **BE** it remembered, That on the  
Day of in the  
Year of the Reign of His present Majesty, and in the Year of our Lord  
A. B. is convicted before me  
one of His Majesty's Justices of the Peace for the County of  
[as the Case may be], [here specify the Offence, and when and where committed], contrary to the Form of the Statute made in the Fifty-eighth  
Year of the Reign of His Majesty King George the Third, intituled,  
[here set forth the Title of this Act]: And I do hereby declare and  
adjudge, that the said A. B. hath forfeited for the said Offence the  
Sum of or shall be committed to  
there to remain for the Space of  
Given under my Hand and Seal, the Day and Year first above written.

Recovery  
and Appli-  
cation of  
Penalties.

LXXI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not by this Act otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Stafford* or *Derby* (as the Case may be), which Warrant such Justice or Justices is and are hereby empowered and required to grant upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is or are hereby empowered and required to administer without Fee or Reward); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be), when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted), shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Road; and for want of Distress it shall and may be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty or Penalties, Forfeiture or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Appeal.

LXXII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, it shall be lawful for such Person to appeal to the Justices of the Peace at the next Quarter Sessions of the Peace to be holden in and for the said County of *Stafford* or *Derby* (as the Case may be); or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such  
Appeal



Appeal may be made to such Justices at the Second Quarter Sessions of the Peace to be holden for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and if such Justices see Cause, they may by Order of such Sessions mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and may make such Orders and Judgments in regard to the Premises as they shall think proper; but the Person so appealing shall give Notice in Writing to the Clerk to the said Trustees of such his, her, or their Intention of bringing such Appeal, Ten Days before the said Quarter Sessions, and shall also enter into sufficient Bail, before One or more Justice or Justices of the Peace, for prosecuting such Appeal, and abiding such Order as shall be made thereon.

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

Not to be  
vacated for  
want of Form.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act until Fourteen Days Notice thereof in Writing be given to the Clerk to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall and may plead, at his Election, specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in such County as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation  
of Actions.

General  
Issue.

Treble Costs.

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.

[*Local.*]

9 X

LXXVI. And



Commence-  
ment and  
Duration of  
this Act.

LXXVI. And be it further enacted, That this Act shall commence upon the Third *Wednesday* next after the passing of this Act, and from thence shall have Continuance, and be in full Force and Effect, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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