



ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## Cap.cii.

An Act for building a Bridge over the River *Trent*  
at *Willington* in the County of *Derby*.

[21st August 1835.]

**W**HEREAS the building, erecting, and constructing a Bridge over the River *Trent*, from or near to *Willington* in the County of *Derby* to the opposite Shore of the said River in the said County, and the making of convenient Approaches thereto, will afford a better, safer, and more easy Communication than at present exists between the several Places near and adjoining to *Willington* aforesaid, and the several Places near and adjoining to the opposite Shore of the said River, and will be a Work of great public Utility: And whereas the Execution of the Purposes aforesaid cannot be beneficially 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 all His Majesty's Justices of the Peace for the Time Trustees being acting for the County of *Derby*, together with Sir *Francis Burdett*, Baronet, Sir *William Brown Cave* Baronet, Sir *Henry Every* Baronet, *Edward Abney*, *Thomas Allsopp*, *Robert Burdett*, *William Jones Burdett*, *Samuel Ellis Bristowe*, *Francis Bradshawe* the younger *John Bingham*, the Honourable and Reverend *Frederick Curzon* Clerk, *Edmund Lewis Crewe*, *Charles Hugh Crewe*, *Edwin Rowland Cotton*, *George Cox*, *Henry Cox*, *Henry Clay*, *William Daniel*, *Henry Every*, *Samuel Evans*, *Frederick Simon Every*, *William Eaton*, *Henry James Feilden* Clerk, *Court Dewes*  
[Local.] 34 R Granville,



*Granville, John Glover, Thomas Hassall, Joseph Lister Hassall, John Hare Clerk, Abraham Hoskins, Francis Holbrooke, William Heacock Clerk, John Leigh Clerk, John Herrick Macauley Clerk, Hugo Meynell, William Eaton Mousley, John Mammatt, Robert Leaper Newton, Thomas Pearsall, Reginald Chandos Pole Clerk, William Boulton Sleath Doctor in Divinity, William Simpson, Doctor of Medicine, Joseph Peters Smith, James Smith, John Smith, Francis Ward Spilsbury Clerk, Joseph Strutt, John Tetley Smith Clerk, Thomas Somers, James Blythe Simpson, William Sale, Thomas Thornehill, Edward Thornehill, the Honourable George John Vernon, John Webb, John Clarke Ward, William Worthington, Thomas Worthington, Thomas Wright Whitaker Clerk, Matthew Witt Clerk, William Wayte, and Henry Wayte, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into execution.*

Power to  
appoint ad-  
ditional  
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees by virtue of the Powers of this Act (not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Qualification  
of Trustees.

III. Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act unless at the Time of his acting therein he shall, in his own Right or in the Right of his Wife, be seised of an Estate of Inheritance in Lands or Hereditaments, or be in the actual Possession or Enjoyment or Receipt of the Rents and Profits of a Freehold or Leasehold Estate of the clear yearly Value of One hundred Pounds above Reprizes and Outgoings, or be the Heir Presumptive of a Person possessed of an Estate in Land of the clear yearly Value of Five hundred Pounds above Reprizes and Outgoings.

Trustees to  
take an Oath.

IV. 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 herein-after mentioned) until he shall, at some Meeting to be held under the Authority of this Act, have taken and subscribed an Oath or have made and subscribed an Affirmation in the Form or to the Effect following; (that is to say,

‘ I *A.B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I am  
‘ in my own Right [*or in the Right of my Wife, as the Case may be,*]  
‘ seised of an Estate of Inheritance in Lands or Hereditaments [*or am*  
‘ in the actual Possession of, *or in the Receipt and Enjoyment of the*  
‘ Rents and Profits of Freehold or Leasehold Estate] of the clear yearly  
‘ Value of One hundred Pounds above Reprizes and Outgoings [*or am*  
‘ Heir Presumptive of a Person possessed of an Estate in Land of the  
‘ clear yearly Value of Five hundred Pounds above Reprizes and Out-  
‘ goings.] So help me GOD.

‘ [*Or, being a Quaker, omit the Words ‘ So help me God.’*]

‘ And



And I the said *A. B.* do hereby declare and promise that I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Trustee by virtue of an Act of Parliament made and passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

And the Oath or Affirmation herein-before required to be taken, and the Declaration to be made, by the Trustees for executing this Act, shall and may be administered by any of the said Trustees.

V. And be it further enacted, That no Person shall be capable of being elected or of acting as a Trustee for the Purposes of this Act who shall be a Licensed Victualler, nor shall any Person be capable of acting as such Trustee during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act, or be concerned directly or indirectly in any Contract under this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Tolls by this Act authorized to be received and levied): Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Trustee under this Act.

Certain Persons not to act as Trustees.

VI. And be it further enacted, That if any Person shall act as a Trustee in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case; and every Person so sued shall prove that he was qualified, or, as the Case may be, that he was not disqualified at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Trustee without being qualified, or being disqualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

Penalty on Trustees acting, not being qualified.

VII. And be it further enacted, That whenever any Trustee named in this Act, or hereafter to be appointed under or by virtue of this Act, shall die, resign, neglect, or refuse to act, or, by Bankruptcy, Insolvency, or otherwise, shall become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees, from Time to Time, at any Meeting to be held in pursuance of this Act next after the Decease of any such Trustee, or on the Notice of the Resignation or Refusal or Incapacity of any such Trustee, to elect some fit and proper Person to be a Trustee in the Room of every Trustee so dying, resigning, neglecting, or refusing to act, or becoming incapable of acting as aforesaid; and every Person who shall be so elected a Trustee, if duly qualified, shall and may act with the surviving or continuing Trustees in the same Manner and with the same Powers as if he had been originally named a Trustee in this Act.

Election of Trustees on Vacancies.

VIII. And



Meetings of  
Trustees.

VIII. And be it further enacted, That the said Trustees or any Five or more of them shall assemble and hold their First General Meeting at the *Mitre Inn, Repton*, in the County of *Derby*, on the Third Day of *September* next, or as soon after as conveniently may be, and shall and may then and there proceed to put this Act in execution, and shall and may then and from Time to Time afterwards adjourn and appoint their next Meeting to be holden at such Time or Times and Place or Places within Four Miles from *Willington Church* as they shall think proper; and no Act of the said Trustees shall be valid unless made or done at some Meeting to be held by virtue of this Act, and at which Five Trustees at least shall be present (except the calling and adjourning of Meetings as herein-after mentioned); and all Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of Trustees present at any such Meeting not being less than Five; and and at every such Meeting the first Business shall be the Election of a Chairman to preside over the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote: Provided always, that at all Meetings of Trustees to be held under this Act the Trustees shall pay their own Expences; and that an Annual General Meeting shall be held on the First *Monday in June* in every Year, of which Fourteen Days Notice at the least shall be given by the Clerk to the said Trustees in One or more of the Newspapers printed and circulated in the Borough of *Derby*, and a written or printed Copy of each such Notice shall be affixed on the Toll House or Toll Gate to be erected upon or near the said Bridge: Provided also, that it shall be lawful for the said Trustees and they are hereby authorized to hold any Special Meeting, so that such Special Meeting shall be required by Five or more of the said Trustees, and Notice thereof in Writing be given to or left with the Clerk to the said Trustees, who shall thereupon give Seven Days Notice thereof in some Newspaper published and circulated within the said County of *Derby*, and by affixing a written or printed Copy of such Notice on the Toll House or Toll Gate to be erected by virtue of this Act upon or near the said Bridge, and provided that such Notices shall specify the special Purpose of such Meeting, and the Time and Place for holding the same.

Adjourn-  
ment of  
Meetings.

IX. And be it further enacted, That if it shall happen that there shall not appear at any Meeting to be held as aforesaid a sufficient Number of Trustees to act or to adjourn to another Day (for which Purpose Three Trustees shall be sufficient), or in case the Trustees at any Time assembled shall not adjourn the said Meeting, the Clerk to the said Trustees shall adjourn the same to some future Day to the same Place where the last Meeting was appointed to have been held, not exceeding Twenty-one Days from the Day of Adjournment, and the Clerk shall give Seven Days Notice at least of such Adjournment in Writing to the said Trustees in manner aforesaid; and when it shall happen that such Adjournment shall not be made it shall be lawful for the said Trustees, or any Three or more of them, although not assembled at a Meeting, to cause Notice in Writing to be given to the said Trustees, and to affix a Copy of such Notice on the Toll House or Toll Gate, and to give the same also in the said Newspapers, appointing the said Trustees to meet at any Time or Place within



Four Miles of *Willington* Church aforesaid, not sooner than Twelve Days nor exceeding Twenty-one Days from the Day of such Notice being given.

X. And be it further enacted, That no Order, Rule, Regulation, Act, Resolution, or Proceeding made or done by the said Trustees shall be revoked, altered, or suspended unless at some subsequent Special Meeting to be required as aforesaid, and of which Seven Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting, nor unless there shall be at such subsequent Special Meeting a greater Number of Trustees than were present at the Meeting of Trustees when such Order, Rule, Regulation, Act, Resolution, or Proceeding was made or passed.

Restriction  
as to revok-  
ing Orders.

XI. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them to erect or cause to be erected a Bridge of Stone, Iron, Bricks, or other durable Materials across the River *Trent*, from the Bank of the said River at or near *Willington* in the County of *Derby* to the opposite Bank of the said River within Four hundred and fifty Yards eastwardly of the Ferry called *Willington Ferry*, and to form proper Approaches to and from the said Bridge, when made, and to contract with any Person or Persons for executing such Works or any of them for such Sums of Money as such Trustees shall think proper; and all Contracts made by the said Trustees shall be in Writing, and signed by them and the other contracting Parties; and the said Bridge and Approaches, and all Materials for the same, shall be vested in the said Trustees and their Successors, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments, against any Person or Persons who shall steal, take, carry away, injure, or damage the same or any Part thereof, or disturb them in the Possession of the same or any Part thereof.

Trustees may  
build or  
contract for  
building the  
Bridge.

Bridge and  
Materials to  
be vested in  
Trustees, who  
may bring  
Actions or  
prefer In-  
dictments.

XII. And be it further enacted, That it shall be lawful for the said Trustees, and all and every other Person and Persons so contracting with them, to build the said Bridge or to do any Work connected therewith, his, her, and their Tenants and Workmen, to dig and make proper Foundations in the said River and on the Lands on each Side thereof for the Piers and Abutments of the said Bridge, and to cut, widen, and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge, and to cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever which may in anywise hinder the erecting and completing of the said Bridge, and to get Sand and Gravel from other Parts of the said River for the Purposes of the said Bridge and Approaches, and also to erect and make, in and over the said River and Lands, and adjoining or near to the same, any Trenches and Landing Places and Hauling Path, and to make such Approaches and Culverts on each Side of the said River to and from such Bridge, or to, from, or under the Roads leading or adjoining thereto, as may be necessary, and from Time to Time and at all Times hereafter to do all other Matters and Things necessary or convenient for erecting, maintaining, repairing, and supporting the said Bridge and Approaches or leading thereto, and for executing the Purposes of this Act, they the said Trustees, or their

Trustees  
may cut  
Banks of  
River, &c.

[Local.]



Agents or Servants, doing as little Damage as may be, and making Compensation as herein-after mentioned.

Trustees restrained from taking Property without the Consent of the Owner, &c.

XIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower or authorize the said Trustees to take any Land, or to take or pull down any Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Paddock, Park, Lawn, Shrubbery, planted Walk, or Avenue to a House, or inclosed Ground planted as an Ornament or Shelter to a House, or 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 or other Person interested therein first obtained, other than and except certain Lands on or near the Banks or Sides of the said River belonging to Sir *Francis Burdett* Baronet, in the Occupations of *Henry Smith*, *Thomas Shorthose*, and *Thomas Heap*, and certain Lands belonging to Sir *George Crewe* Baronet, in the Occupation of *John Draper*, and certain Gardens belonging to the said Sir *Francis Burdett*, in the Occupation of *Henry Smith* and *William Fitchett*, and a certain other Garden belonging to the Vicar of *Willington* for the Time being, in the Occupation of the said *William Fitchett*, all within the Limits aforesaid.

Power to enter Lands to lodge and get Materials.

XIV. And be it further enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Trustees, their Agents, Workmen, Servants, and Assistants, to enter upon the Lands of any Person or Persons whatsoever adjoining or lying within One hundred Yards of the said intended Bridge and Approaches thereto made, or any Part thereof respectively, for the Purpose of depositing upon such Lands or upon any Part thereof respectively any Soil, Gravel, Stone, or other Materials which shall have been excavated, dug, or got in building the said Bridge with the Approaches thereto, or which may be dug or taken out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to dig, cut, get, take, remove, and carry away out of and from such adjoining Lands, any Soil, Gravel, Stone, or other Materials which can or may be got or found therein, and which may be necessary for building the said Bridge, making Compensation for the Injury thereby occasioned, to be settled and ascertained by a Jury to be called out under the Provisions of this Act in case the Parties interested therein shall differ about the same.

Trustees, while building Bridge, not to interrupt the Navigation.

XV. Provided always, and be it further enacted, That in building the said Bridge no Interruption or Impediment shall be caused to the Navigation of the said River, or the Hauling Path on the Sides thereof, for a longer Space of Time than shall be absolutely necessary; and when the said Bridge and Works and Approaches, except as after mentioned, shall be made, the same shall be kept in good and sufficient Repair by the said Trustees and their Successors.

Trustees liable to repair Approaches within 150 Yards from the Centre of the Bridge.

XVI. And whereas when the said Bridge, Works, and Approaches are completed and opened to the Use of the Public the Roads now leading to the present Ferry will become useless and unnecessary for the Purpose of the said Ferry; be it therefore further enacted, That the said Trustees shall be liable to keep in repair so much of the said Approaches as shall be within One hundred and fifty Yards of the Centre of the said Bridge



Bridge on each Side thereof, and the Remainder of such Approaches shall be kept in repair by the respective Parishes which are now liable to the Repair of the Roads to the said Ferry.

XVII. Provided also, and be it further enacted, That in case the said intended Bridge and Approaches shall not have been completed and made passable for Horses and Carriages within the Space of Five Years, to be computed from the passing of this Act, then from and after the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Bridge and other Works as shall have been completed within the said Term.

If Bridge not completed in Five Years, Powers to cease, except as to any Part that may be completed.

XVIII. And be it further enacted, That when the said Trustees under this Act shall have erected the said Bridge, and shall have opened the same for the Use of the Public, it shall be lawful for the said Trustees, or any Five of them, as aforesaid, to make an Order to stop up the Ford through the said River *Trent* at *Willington*, and to make the River deeper at that Part, and to slope the Banks of the said River, and to affix proper Fences against the same for the Purpose of preventing the said Ford from being used as a Road or Way across the said River; and the Road or Roads in the Parishes of *Willington* and *Repton* leading to the said Ford, and which by the making of the said Bridge and Approaches will become useless and unnecessary, shall thenceforth remain the Soil of the Parties who are entitled to the adjoining Freehold Lands and Premises through which the Road now leads; and it shall not be lawful for any other Person or Persons to erect any other Bridge, or to establish any other Ferry, or to make any other Ford over the River, within the Distance of One Mile from the said Bridge so to be erected at *Willington* under the Powers and Authorities of this Act: Provided nevertheless, that no such Road shall be discontinued, stopped up, diverted, turned, or altered without the Concurrence and Order of Two Justices of the Peace for the said County of *Derby* not interested in the Premises, such Order to be made upon and after such Notice and subject to such Appeal as is required and directed in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

Power to stop up the Ford.

55 G. 3. c. 68.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with any Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, respectively, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Feoffees, Committees, Executors, Administrators, Guardians, or other Trustees, or with any other Person or Persons whomsoever, as shall be or may be deemed to be the Owner or Owners or Proprietor or Proprietors of or interested in the present Ferry across the said River at or near *Willington* aforesaid, and the Tolls now taken there, or of or in any Lands, Grounds, Messuages, Buildings, or Hereditaments which may be necessary for the Purposes of this Act, for the Purchase thereof respectively, or for any Loss or Damage such

Trustees empowered to treat with Bodies Politic, &c.



such Owners or Proprietors, or any of them, or any other Person or Persons, shall or may sustain by reason of the Execution of this Act.

Bodies, &c. may sell; and Sales to be conclusive upon all Parties interested.

XX. And be it further enacted, That it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Feoffees in Trust, Committees, Executors, or Administrators, Guardians, or other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person whomsoever who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments which shall be necessary to be taken for the Purposes of this Act, to contract and agree with the said Trustees for the Sale of and to sell to the said Trustees any such Lands, Grounds, or Hereditaments or other Property, for the Purposes aforesaid; or to contract and agree with the said Trustees for the Satisfaction to be made for the same or any of them, or for any Losses or Damages to be occasioned in the Execution of this Act, as Occasion shall require; and all Contracts, Agreements, Sales, Conveyances, and Assurances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, shall be and are hereby indemnified for what he, she, they, or any of them shall respectively do by virtue or in pursuance of this Act; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Trustees, and shall be binding and conclusive upon all Parties interested therein, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,)

Form of Conveyance to the Trustees.

‘ I of in consideration of the Sum of  
 ‘ to paid by the Trustees appointed by  
 ‘ an Act of Parliament passed in the Fifth and Sixth Years of the Reign  
 ‘ of His Majesty King *William* the Fourth, intituled *An Act [here set forth*  
 ‘ *the Title of this Act]*, do hereby grant, release, assign, and confirm unto  
 ‘ the said Trustees and their Successors all [*describe the Premises to be*  
 ‘ *conveyed*] and all Right, Title, and Interest of, in, and to the same  
 ‘ and every Part thereof, to hold unto the said Trustees and their Suc-  
 ‘ cessors for ever, according to the true Intent and Meaning of the said  
 ‘ Act. In witness whereof have hereunto set  
 ‘ Hand and Seal this Day of in the Year of  
 ‘ our Lord One thousand eight hundred and

Satisfaction to be made for Lands taken or Damages sustained.

XXI. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Remainder, Reversion, Expectancy, or otherwise, and all Feoffees in Trust, Executors, Administrators, Femmes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are seised, possessed of, or interested in any Lands or Grounds, Messuages, Tenements, or Hereditaments which



may be required for the Purposes of this Act, which may be sold or transferred in pursuance of this Act, may accept and receive Satisfaction for the Value of such Lands or Grounds, Messuages, Tenements, or Hereditaments, and for the Losses or Damages to be sustained by the Execution of any of the Purposes of this Act, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Trustees, or as shall be assessed or awarded by a Jury pursuant to the Provisions of this Act.

XXII. And be it further enacted, That in case of any Difference between the said Trustees of the said Bridge and any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Feoffees in Trust, Committees, Executors, or Administrators, Guardians, Trustees, Femes Covert, or other Person or Persons so interested or entitled, and hereby enabled to sell as aforesaid, for or on behalf of himself or herself, or for or on behalf of his or her Cestuique Trust, or of any other Person or Persons entitled in Remainder or Reversion, or incapacitated Person as aforesaid, or between the said Trustees of the said Bridge and any other Persons, relative to the Value or Price to be given for any Lands, Tenements, or Hereditaments to be taken for the Purposes of this Act, or relative to any Damages or Injury which shall be sustained by any Bodies or incapacitated Persons aforesaid, relative to the Amount of Recompence or Satisfaction to be given or made for such Damage or Injury, and in case such Price or Value cannot be settled and adjusted between such Parties and the said Trustees of the said Bridge, or shall for the Space of Ten Days next after Notice in Writing given to the principal Officers of any Bodies, or to such Tenants for Life or in Tail, or Trustees, or other Persons respectively as aforesaid, or left at the last or usual Place of his, her, or their Abode, or with the Tenant or Tenants of any such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Trustees of the said Bridge concerning the same, or shall by reason of Absence be prevented from treating or shall by reason of any other Impediment not provided by this Act be incapable of treating or making such Agreement as shall be expedient for enabling the said Trustees to proceed in the making or carrying on the Works aforesaid, or shall not within the Space of Ten Days produce and fully disclose the State of the Title to the Premises of which he, she, or they is or are in Possession, and to the Interest which he, she, or they claim therein; then and in every or any such Case it shall and may be lawful to and for the said Trustees of the said Bridge to issue a Warrant under the Hands of the Trustees of the said Bridge, directed to the Sheriff for the Time being of the County of *Derby*, or in case such Sheriff or his Under Sheriff shall be one of the said Trustees, or enjoy any Office of Trust or Profit under the said Trustees, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, commanding such Sheriff, Under Sheriff, or Coroner to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to Law to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Sheriff at such Time and Place as in the said Warrant shall be appointed; and the said Sheriff, either by himself or his Under Sheriff, or the said Coroner, is hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the

Differences respecting the Price of Land, or respecting Damages, to be settled by a Jury.



Persons so impanelled, summoned, and returned, or out of such of them as shall appear, the said Sheriff, Under Sheriff, or Coroner shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen the said Sheriff or his Under Sheriff, or the said Coroner, shall return other honest and indifferent Men as Bye-standers, or that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel and Solicitors, to attend and be heard and to adduce Evidence before the said Sheriff, Under Sheriff, or Coroner; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required by a Summons or Notice to be signed by him, either previous to or at the Time of such Meeting or Meetings, to call before him all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching or concerning the Premises; and the said Sheriff, Under Sheriff, or Coroner may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Premises in question, if there be Occasion, and to use all other Ways and Means, as well for his own as for the better Information of the Jury in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Sheriff or his Under Sheriff, or the said Coroner, is hereby empowered and required to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or what Losses or Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Person or Persons interested, for or on account of the taking such Lands, Tenements, or Hereditaments by virtue of this Act, or for the doing or creating or occasioning such Damage; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Trustees to the said Owners or Occupiers of or other Person or Persons interested in the said Lands, Tenements, or Hereditaments, or sustaining such Damage, according to such Verdict or Inquisition of the said Jury, and give Judgment for the Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury; which said Verdict or Inquisition, Order and Judgment thereon, shall be signed by the said Sheriff, Under Sheriff, or Coroner, and shall be binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming any Interest in the Property so valued or assessed by the said Jury, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof notwithstanding: Provided always, that in such Inquiry the Party claiming Compensation shall be Plaintiff.

Penalty upon  
Sheriffs,  
Jurors, or  
Witnesses  
making  
default.

XXIII. And be it further enacted, That if any Sheriff, Under Sheriff, or Coroner shall make default in the Premises they shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, by the said



said Trustees of the said Bridge, or by such other Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, or other Person or Persons as aforesaid; and if any Person so impannelled, summoned, and returned upon such Jury shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or shall in any Manner wilfully neglect his Duty therein, and if any Person or Persons summoned to give Evidence before the said Jury shall neglect or refuse to appear, after having been tendered a reasonable Sum for his, her, or their Costs and Expences, or shall not allege a sufficient Excuse to the said Sheriff, Under Sheriff, or Coroner for not appearing, or appearing shall refuse to be sworn and examined as a Witness, then and in every such Case such Person so offending, upon Proof thereof made before any Justice or Justices of the Peace, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, according to the Discretion of such Justice or Justices; and in case any such Penalty shall not be forthwith paid it shall be levied by virtue of any Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted.

XXIV. And be it further enacted, That in all Cases where a Verdict shall be given in pursuance of the Provisions of this Act for more Money as a Recompence or Satisfaction for any Lands, Tenements, or other Hereditaments, or for any Damages done or to be done to any Lands, Tenements, or Hereditaments or other Property, than had been previously offered by or on behalf of the said Trustees of the said Bridge, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, or where no Compensation, or a smaller Sum than shall be given by such Verdict, had been previously offered or tendered in respect thereof, by or on behalf of the said Trustees, or where by reason of Absence in Foreign Countries or other Impediments or Disability as aforesaid there shall not be found any Person or Persons competent to enter into a Contract with and make Conveyances to and receive Compensation for such Lands, Tenements, or Hereditaments, or Damages, then and in all such Cases all the reasonable Costs and Expences attending the impannelling, summoning, and returning such Jury and taking such Verdict shall be settled by such Justices, and defrayed by the said Trustees; and in case such Costs shall not be paid by the said Trustees within Ten Days after the same shall be demanded the same shall and may be levied, by virtue of any Warrant under the Hand and Seal of any Justice of the Peace, by Distress and Sale of the Goods and Chattels of the said Trustees or of their Treasurer; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Trustees, or for a less Sum than had been offered by them, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyance to or receive Compensation from the said Trustees by any Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally competent to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented

Expences of  
Jury by  
whom to be  
borne.



prevented from treating and agreeing as aforesaid, in which Case such Costs and Expences shall be paid by the said Trustees;) the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled by the Person so impannelling, summoning, and returning such Jury and taking such Verdict, (that is to say,) one Half Part of such Costs and Expences shall be borne and paid by the said Trustees, and the other Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, or other Person or Persons with whom the said Trustees shall have such Disputes or Controversies; which said Costs and Expences, having been so settled, 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 Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation for Injury only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

Value of  
Land and  
Damages to  
be ascertain-  
ed separately.

XXV. Provided always, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Messuages, Buildings, Tenements, or other Hereditaments to be taken or made use of for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Trustees for any Damages which shall or may at any Time or Times hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Corporate or Collegiate, Owner or Owners, or other Person or Persons interested in such Lands, Messuages, Buildings, Tenements, or other Hereditaments, or any of them, by reason of the erecting, making, using, repairing, or maintaining the said Bridge or Works, or by reason or means of the Execution of any of the Powers by this Act given to the said Trustees, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Messuages, Buildings, Tenements, and Hereditaments so to be taken and used as aforesaid.

Compensa-  
tion Money  
to be appor-  
tioned.

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

XXVII. And



XXVII. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words.

Verdict of  
Juries to be  
recorded.

XXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties or assessed by such Juries in manner aforesaid, within Thirty Days after the same shall have been so contracted or agreed for or assessed as aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, as herein-before mentioned, to the Proprietor or Proprietors of or other Persons entitled to such Lands, Tenements, or Hereditaments, or to his, her, or their Agent or Agents, or upon depositing the same in the Bank of *England* in manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees and their Agents and Servants immediately to enter upon such Lands, Tenements, or Hereditaments respectively for the Purposes of this Act, and such Tender, Payment, or Deposit shall bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall be made: Provided nevertheless, that before such Payment, Tender, or Deposit as aforesaid shall be made it shall not be lawful for the said Trustees, or their Agents or Servants, to dig or cut or otherwise affect any Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purposes of this Act, without the Leave and Consent of such Person or Persons, except entering upon the same for marking or staking out the Line of such Approaches, and for taking Levels and making Plans for the Purposes of this Act.

Lands to vest  
in Trustees  
on Payment  
or Tender of  
the Value.

XXIX. And whereas in executing the several Works by this Act authorized it may be necessary for the said Trustees, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the said Bridge, and the Appurtenances and Approaches thereto, for the Purpose of laying or depositing thereon the Earth, Clay, and other Materials which shall have been taken out in making Excavations, or of manufacturing such Clay into Bricks, or of getting and procuring Earth and Materials from such adjoining Lands for forming Embankments, or for making Bricks, or for other Purposes; but inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Trustees, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made any Payment, Tender, or Investment of Money, as herein is mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Trustees, their Deputies, Agents, Officers, Workmen, Servants,

Compensa-  
tion to be  
made for  
temporary  
Damage.

[Local.]

34 U

and



and Assistants, and they are hereby empowered, to enter upon the Lands of any Person or Persons or Corporation whatsoever adjoining or lying near to the said Bridge, and the Appurtenances and Approaches thereto, by this Act authorized to be built, made, and maintained, or any of them, or any Part thereof respectively, (except any Curtilage, Orchard, Garden, Lawn, Yard, Park, Paddock, Shrubbery, planted Walk, or Avenue to a House, or inclosed Ground planted as an Ornament to a House, or Plantation or Nursery for Trees,) for the Purpose of depositing or manufacturing upon such Lands or upon any Part thereof respectively any Soil, Gravel, Clay, Sand, Stone, or other Materials which shall have been excavated, dug, or got in building the said Bridge, with the Appurtenances and Approaches thereto; or which may be dug or taken out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to dig, cut, get, take, remove, and carry away out of and from such adjoining Lands or any Part thereof (except as aforesaid) any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein, and which may be requisite or convenient for building the said Bridge, with its Appurtenances and Approaches, and to manufacture the same, without having previously made any Payment, Tender, or Investment as herein is mentioned, they the said Trustees, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of the said Lands to the Owners or Occupiers thereof; such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein provided: Provided always, that the said Trustees shall and they are hereby required, within Six Calendar Months after the Expiration of the Period by this Act granted for building the said Bridge, with the Appurtenances and Approaches thereto, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Trustees: Provided also, that before it shall be lawful for the said Trustees to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Bridge, Appurtenances, and Approaches thereto, the said Trustees shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto.

Purchase  
Money and  
Compensa-  
tion to Cor-  
porate Bodies  
to be laid  
out to the  
same Uses.

XXX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, Collegiate, Spiritual, Lay, Ecclesiastical, or Civil, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of any Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, Tenants for Life or in Tail, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, for the Purchase or Transfer of or for the Damage to be done to any such Lands, Messuages, Buildings, Tenements, or Hereditaments by virtue or in consequence of the Powers in this Act contained, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of



England in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Trustees of the *Willington Bridge*," pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, according to the General Orders of the said Court, without Fee or Reward, 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 Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or 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, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such Uses, Trusts, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, used, or injured as aforesaid stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, 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 Proceeds 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, or Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made.

XXXI. Provided always, and be it further enacted, That if any Money so agreed and 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, or on account of any Damage to be done or occasioned to any such Lands, Tenements, or Hereditaments as herein-before mentioned, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or injured, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, Trustee or Trustees, Receiver or Receivers, or other Person or Persons acting



acting as such as aforesaid, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by the 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 the 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 said Court of Exchequer.

Application  
when Money  
is less than  
20*l*.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments in respect whereof the same shall be paid, in such Manner as the Trustees for executing this Act shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Trustees shall direct the same to be paid shall be sufficient Discharges for the same.

Directing  
how Money  
is to be paid  
in case of  
Failure of  
Title, &c.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of the Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises, or in case the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money 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 Exchequer, 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 of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be placed out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate, Title, or Interest of the Person or Persons making claim thereunto, and to make such 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 or are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose



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.

XXXIV. 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 Exchequer, in pursuance of this Act, for the Purchase of the Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in the Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to the Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; 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, or that such Person or Persons was or were not lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise as to the Title to Money the Person who shall be in Possession of the Lands, &c. to be deemed entitled thereto.

XXXV. 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 the 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 Bank of *England* with the Privity of the Accountant General of the Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the reasonable Expences of all Purchases from Time to Time to be made in pursuance of this Act, and also of the Re-investment of the Purchase Money thereof in Land, or other Disposition of the same, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees 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 to be paid by the Trustees.

XXXVI. And whereas the probable Expence of building the said Bridge, with the necessary Appurtenances and Approaches thereto, will, according to an Estimate made thereof, amount to the Sum of Six thousand three hundred and fifty Pounds, and, with other necessary Expences of passing and carrying this Act into execution, will amount to the Capital Sum of Eight thousand Pounds: And whereas, in contemplation of an Act of Parliament being obtained for establishing an incorporated Company for building the said Bridge, a Sum amounting to more than Four Fifths of such probable Expence has already been subscribed for defraying such Expences by several Persons under a Contract binding them, their Heirs, Executors, and Administrators, for Payment of the several Sums so subscribed by them respectively: And whereas since the Application to

The whole Amount of the Estimate to be subscribed for before the Works shall be commenced.



Parliament was made for an Act to incorporate such Subscribers it has been found expedient that the said Bridge and Works shall be made and executed by public Trustees to be appointed by Parliament, and that the Monies so subscribed by them should be paid to such Trustees, and applied by them for the Purpose of building such Bridge and executing such Works, on Condition of such Subscribers being paid Interest on the several Sums so subscribed by them at a Rate not exceeding Eight Pounds *per Centum per Annum* until the Monies so subscribed by them respectively shall be paid off out of the Tolls to arise by virtue of this Act, in case such Tolls shall produce a sufficient Surplus for that Purpose after Payment of all Expences of maintaining the Bridge and Works in repair, and executing the Purposes of this Act; be it therefore further enacted, That the whole Amount of the said Estimate shall be subscribed for in like Manner before any of the Powers and Provisions given by this Act for building or making the said Bridge and Approaches shall be put in force.

Subscrip-  
tions to be  
paid to Trus-  
tees, and  
applied for  
the Purposes  
of the Act.

XXXVII. And be it further enacted, That the Monies received from such Subscribers shall be laid out and applied by the said Trustees, in the first place, in defraying the Expences of obtaining and passing this Act, and of the Surveys, Plans, Estimates, and other Expences incident thereto, and then for and towards the carrying on, making, and completing the said Bridge, Approaches, and Works, and in paying the Purchase Money for any Lands, Messuages, Buildings, Tenements, and Hereditaments necessary for the Purposes of this Act, and in maintaining the said Bridge, Approaches, and Works in sufficient Repair, and for otherwise carrying this Act into execution; and the said Sum of Eight thousand Pounds shall be divided into Four hundred Shares of Twenty Pounds each, and the said Shares shall be and they are hereby vested in the several Persons, and Bodies Politic, Corporate, or Collegiate, subscribing for the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their own proper Use and Benefit; and all Persons, and Bodies Politic, Corporate, and Collegiate, subscribing for or holding One or more such Share or Shares, their several and respective Executors, Administrators, Successors, and Assigns, shall be entitled to and receive an equal proportionable Part of the Profit and Advantages that shall and may arise and accrue by the Tolls and Sums of Money to be raised or received under the Authority of this Act, as herein-after mentioned, not exceeding the Rate of Eight Pounds *per Centum per Annum* on their respective Subscriptions, after Payment of all Expences of maintaining the Bridge and Works in repair, and executing the Purposes of this Act.

Appointment  
of Officers.

XXXVIII. And be it further enacted, That the Trustees of the said Bridge, at their First or any subsequent General Assembly, shall and may by Writing under their Hands appoint a Treasurer and Clerk, Surveyor or Surveyors, Collector or Collectors, and such other Officers and Assistants as they the said Trustees shall think proper, and shall from Time to Time dismiss, suspend, or remove all or any of the said Officers and Assistants at their Will and Pleasure, and appoint other Persons to be such Officers and Assistants in the Room and Stead of such of them as shall be so dismissed, suspended, or removed, or shall die, or decline to act under the said Trustees; provided that Fourteen Days Notice at the least of such Intention to dismiss, suspend, or remove any Officer or Assistant



Assistant, and to appoint others in his or their Stead, be given in Writing to every such Officer or Assistant under the Hands of the said Trustees, or signed by their Clerk; and it shall be lawful for the said Trustees, out of the Monies to be received by virtue of this Act, to pay such Salaries of the said Officers and Assistants as they shall consider reasonable and proper.

XXXIX. Provided always, and be it further enacted, That the said Trustees shall and are hereby required to take such Security as they shall think proper from their Treasurer, Clerk, Collectors, and other Officers, for the due Execution of their respective Offices and of the Trusts reposed in them; and all such Officers and Persons shall under their Hands (at such Time and Times and in such Manner as the said Trustees shall direct) deliver to the said Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by them respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person or Persons as they shall appoint; and the said Officers and Persons so accounting shall, if thereunto required by the said Trustees, verify their said Accounts; and if any such Officer or Person shall not make and render, or shall neglect or refuse to verify, any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees or to such Person as they shall appoint, within Ten Days next after being thereunto required by Notice in Writing under the Hand of the Clerk to the said Trustees given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, the said Trustees are hereby authorized and empowered to cause an Action to be brought against the Officer or Person so neglecting or refusing in order for the Recovery of the Monies, Books, Papers, and Writings that shall be in his Hands, and may recover the same, with full Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect, to any Justice of the Peace for the City, County, Riding, Division, Liberty, Town, or Place wherein such Officer or Person shall be or reside, such Justice is hereby authorized and empowered by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and on his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the Distress, or if it shall in manner aforesaid appear to such Justice that any such Officer or Person shall refuse or neglect to

Treasurer,  
&c. to give  
Security, and  
Officers to  
account.

render



render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of any such Officer or Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then such Justice shall commit every such Offender to the Common Gaol or House of Correction of or for the City, County, Riding, Division, Liberty, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give and make a true and perfect Account and Payment as aforesaid, or until he or they shall compound with the said Trustees touching the same, and shall have paid such Composition in such Manner as they shall appoint, (which said Composition the said Trustees are hereby empowered to make and receive,) and until he or they shall deliver up all such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees as aforesaid; but no Person who shall be committed on account only of his not having sufficient Goods or Chattels as aforesaid shall be detained in Prison for any longer Term than Six Calendar Months.

Same Person  
not to be  
Clerk and  
Treasurer.

XL. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information.

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

XLI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or any One of the Trustees; and that no Action or Prosecution to be brought or commenced by or against the said Trustees or any of them by virtue of this Act in the Name of such Clerk or Trustee shall be abated or discontinued by the Death or Removal



moval of such Clerk or Trustee, or by the Act of such Clerk or Trustee, without the Consent of the said Trustees, or any Five or more of them; but the Clerk for the Time being to the said Trustees, or such Trustee, shall always be the Plaintiff or Plaintiffs or Defendant or Defendants in the Action, as the Case shall be: Provided always, that every such Clerk or Trustee in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs, Charges, Damages, and Expences as by the Event of any such Proceedings he or they shall be put unto or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs or Defendant or Defendants therein, and also the Costs and Charges of prosecuting or defending any Indictment or Indictments or other Proceedings whatsoever which shall or may be commenced or prosecuted against any Person or Persons whomsoever by the Order of the said Trustees under the Powers contained in this Act.

XLII. And be it further enacted, That proper Books of Accounts and of other Matters relating to the said Undertaking shall be kept, and the same shall be deposited, under the Direction of the said Trustees, at such Place or Places as shall from Time to Time be appointed for the Purpose, and every Proprietor at all reasonable Times shall have free Access to the same for his, her, or their Inspection without Fee or Reward; and in One or more of such Book or Books the Clerk to the said Trustees shall enter and keep a true and perfect Account of the Names and Places of Abode of the several Subscribers and Proprietors of Shares in the said Undertaking, and of the several Persons who shall from Time to Time become Owners or Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Trustees, and of all Receipts, Payments, and Disbursements under this Act; and each of the several Members and Proprietors of any Share or Shares in the said Undertaking, and Persons entitled to any such Share or Shares, shall and may at all convenient Times have recourse to and peruse and inspect the said Books *gratis*, and may demand Copies thereof or of any Part thereof upon paying for the same Sixpence for every One hundred Words; and if any such Clerk to the said Trustees shall refuse to permit or shall not permit any Proprietor or Person so interested to inspect or peruse such Books, or to take any such Copy or Copies, such Clerk shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and all and every the Books kept in pursuance of this Act or for the Purposes thereof, and all Accounts, Writings, and Papers whatsoever which shall be in the Custody of any Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said Bridge or Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be, the Right and Property of the said Trustees.

Books of Accounts to be kept and be open for the Inspection of Proprietors.

Such Books to be the Property of the Trustees.

XLIII. And be it further enacted, That all the Orders and Proceedings of the said Trustees for the Time being at any of their Meetings to be held by virtue of this Act shall be regularly entered in a Book or Books to be kept for that Purpose by the Clerk of the said Trustees, and shall be signed by the Chairman of each respective Meeting; and such Entries so

Proceedings to be entered.

[Local.]



made and signed shall be deemed Originals, and shall be admitted as Evidence in all Courts whatsoever, and by and before all Judges, Justices, and others.

How Notices  
are to be  
given.

XLIV. And be it further enacted, That in all Cases where any public Notice is required to be given in pursuance of this Act, the Manner of giving of which is not by this Act otherwise directed, such public Notice shall be affixed upon the Toll House to be erected upon or near the said Bridge.

When Bridge  
is built Trus-  
tees shall  
make out an  
Account, and  
afterwards  
circulate a  
yearly Ac-  
count.

XLV. And be it further enacted, That the said Trustees shall, when and so soon as the said Bridge shall be built and the Approaches made, draw out under distinct Heads and sign an Account of their Receipts and Expenditure, and forward a printed Copy to each Person interested in a Share or Shares in the said Undertaking, and afterwards yearly draw out, sign, and circulate in like Manner a similar Account of their Receipts and Expenditure, and of the Appropriation of the Balance of such Receipts and Expenditure, such Account to show the Balance in hand, and the true State of the Finances of the said Undertaking.

Trustees may  
make Calls,  
&c.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings, from Time to Time to make such Call or Calls for Money from the several Subscribers of or for the Shares herein-before mentioned, to defray the Expences of and to carry on the building or making the said Bridge, Approaches, and Works, as they shall find necessary, so that no One Call do exceed the Sum of Five Pounds for every Twenty Pounds, and so as no Call be made but at the Distance of Six Weeks at the least from the last preceding Call, which Monies so called for shall be paid to such Person or Persons and in such Manner as the said Trustees shall from Time to Time direct; and every Owner of One or more Share or Shares shall pay his or her Share and Proportion of the Money to be called for as aforesaid at such Time and Place as shall be appointed, of which Fourteen Days Notice at least shall be given by publishing the same in some Newspaper usually circulated in the County of *Derby*, and also in Writing under the Hand of the Clerk to the said Trustees, to be transmitted by Post or delivered to each Proprietor of any such Share or Shares at his, her, or their Place of Abode, and in such other Manner as the said Trustees shall direct or appoint; and if any Person shall neglect or refuse to pay his or her Share of the said Money to be called for as aforesaid at the Time and Place appointed as aforesaid, he or she so neglecting or refusing shall forfeit a Sum not exceeding Two Pounds for every Share in respect whereof any Call shall be so unpaid; and in case such Person shall refuse or neglect to pay his or her rateable Calls as aforesaid for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he or she so neglecting or refusing shall forfeit his or her Share or Shares in respect whereof such Default shall be made to the said Trustees; and all such forfeited Shares shall be sold at a public Sale by the said Trustees for the most Money they can get for the same, and the Produce thereof shall be applied by the said Trustees for the Purposes of this Act: Provided always, that no Advantage shall be taken of the Forfeiture of any such Share until Notice in Writing be given by the Clerk of the said Trustees to the Owner or Proprietor thereof, or left at his or her

If Persons  
neglect to  
pay Calls,  
their Shares  
may be for-  
feited and  
sold.

No Advan-  
tage to be  
taken of  
Forfeiture



last or most usual Place of Abode, or forwarded through the Medium of the Post Office, nor unless the same shall be declared to be forfeited at a Special Meeting of the Trustees to be called and held within Six Calendar Months next after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietors so forfeiting and the rest of the Proprietors.

without  
Notice.

XLVII. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons whose Property such Share or Shares shall have been; but the said Trustees shall not sell or transfer, or direct to be sold or transferred, any greater Number of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Trustees as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, or his, her, or their Executors or Administrators, whose Property such Share or Shares shall have been immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If the Purchase Money of forfeited Shares be more than sufficient to pay the Arrears of Calls, Interest, and Expences, the Surplus to be paid to the Owner.

XLVIII. Provided also, and be it further enacted, That the several Persons, and Bodies Politic, Corporate, and Collegiate, who have subscribed the said Contract, or who shall hereafter subscribe the same, or who are or shall be or become a Proprietor or Proprietors of any such Share or Shares, shall and they are hereby required to pay all and every the Sum or Sums of Money by them respectively subscribed or to be subscribed, and which shall be from Time to Time called for by the said Trustees under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Trustees in manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in manner required for that Purpose it shall be lawful for the said Trustees to sue for and recover the same, with legal Interest thereon from the Time appointed for the Payment thereof, with full Costs of Suit, in any Court of Law or Equity.

Persons not paying after Calls made may be sued.

XLIX. And be it further enacted, That in any Action to be brought by the said Trustees against any such Proprietor or Proprietors, or Owner or Owners, or Person or Persons, to recover any Sum or Sums of Money due and payable to the said Trustees for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Trustees to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares of the Sum of Eight thousand Pounds subscribed for the Purposes of this Act, is or are indebted to the said Trustees in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such and so many Call or Calls

Proceedings in Actions for Calls.



Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Trustees by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of such Share or Shares, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving any other Matter whatsoever, and the said Trustees shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Five Pounds at any One Time upon any One Share, or was made before the Interval of Forty-two Days from the last preceding Call, or was made without such Notice given as aforesaid.

Directing  
how Calls on  
Shares of  
Persons dying  
shall be  
made.

L. Provided always, and be it further enacted, That if the Proprietor of any Share in the said Undertaking shall die before Payment shall have been made of the full Sum to be advanced on each Share which he or she shall have been possessed of or entitled to without having made Provision by Will or otherwise for the Payment of the same, then and in such Case it shall be lawful for the Executors and Administrators of such Proprietors, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person entitled to the Personal Estate or Effects of such Proprietor, to pay out of any Assets or Effects of any such deceased Proprietor, in a due Course of Administration, any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Proprietor shall not have left Assets sufficient to complete such Subscription, or in case any such Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls, or to make the Payments necessary to complete the same, the said Trustees shall be and are hereby empowered and required to admit any other Person to be Proprietor or Proprietors of the Share or Shares of such deceased Proprietor on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor, or the Trustee or Trustees, Guardian or Guardians of any Infant or others entitled to his or her Effects, so much Money as the same can be by public Auction sold for.

Shares to be  
registered,  
and Tickets  
delivered  
to Sub-  
scribers.

LI. And be it further enacted, That the said Trustees shall, as soon as the same can be done, cause the Names and Additions of the several Subscribers to the said Contract, or for raising the said Sum of Eight thousand Pounds, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk of the said Trustees, and signed by Five of the said Trustees, which said Book shall from Time to Time be provided and signed as aforesaid, and new Books shall from Time to Time be signed by the said Trustees, as the Change of Proprietors and Transfers of Shares shall render necessary and expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares subscribed for, bearing respectively the same Numbers as in the said Books, and thereupon to cause to be delivered to every Subscriber, upon Demand, a Ticket or Tickets specifying the Share or  
Shares



Shares to which he or she is entitled; and every such Subscriber shall pay to the Clerk of the said Trustees, or there shall be paid to the Clerk by the said Trustees out of the Monies to arise by virtue of this Act, the Sum of Two Shillings, and no more, for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his or her Executors, Administrators, Successors, or Assigns, to the Share therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner or Proprietor of any Share from selling or disposing thereof, or from receiving all Interest due in respect thereof; which said Ticket shall be signed by Five of the said Trustees, and be according to the following Form, or as near thereto as the Circumstances of the Case will admit; namely,

Tickets or Instruments to be Evidence of Subscribers Title.

THESE are to certify, That \_\_\_\_\_ of \_\_\_\_\_ is [or are] possessed of the Share or Number \_\_\_\_\_ in the general Fund of Eight thousand Pounds subscribed for carrying into execution the Purposes of an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act [here set forth the Title of this Act]*, subject to the Rules, Orders, and Regulations of the Trustees for executing the said Act, and that the said his [her or their] Executors, Administrators, [or Successors,] or Assigns, is [or are] entitled to the Profits and Advantages of the said Share authorized by the said Act. In witness whereof we, the undersigned Five of the said Trustees, have hereunto set our Hands the Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of the Ticket.

LII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person, and Persons whose Name or Names shall at any Time hereafter stand in the Register Books of the said Trustees either as a Proprietor or as Proprietors of One or more such Share or Shares, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers or former Proprietors, or as Purchasers of any Share or Shares, shall be deemed and taken to be Proprietors of the several Shares standing in the said Books in his, her, or their respective Names, and shall be subject to such Rules, Orders, and Regulations to which the Subscribers to or Proprietors of Shares are subject and liable; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Books shall so appear to be Proprietors or Purchasers thereof as aforesaid; and no Assignment, Transfer, or Bargain and Sale of any Share or Shares, or other Instrument giving Title thereto, which shall not have been brought to the said Clerk to be entered as directed by this Act, shall be given or admitted as Evidence to make the said Trustees liable to the Payment of any Interest to any other Person or Persons than such as appear upon the said Books to be a Proprietor or Proprietors of or Person or Persons entitled to such Shares; but in all such Cases, unless where it shall be expressly proved that the said Books are defective by reason of some Default or Neglect of the said Clerk, the said Books shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares respectively.

The Persons whose Names appear in the Register to be deemed Proprietors







Owners or Proprietors for all Purposes for which such Notice shall be given.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, having first made Satisfaction for the said Ferry and Tolls thereof, as provided by this Act, to erect, put up, or place upon the said Bridge or near thereto a Toll Gate or Toll Bar, together with such Toll House and Conveniences for the Use of the Collector as they shall think proper, and from Time to Time to make such Alterations therein as they shall deem requisite.

LVII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Collector to be appointed by them, or any Lessee or Lessees of the Tolls, or any Collector to be appointed by such Lessee or Lessees, from Time to Time and at all Times hereafter to demand and take every Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) before any Travellers, Passengers, or Persons, or any Horses, Beasts, Cattle, or Carriages, shall be permitted to go or pass upon the said Bridge, or over or across the said River, the Tolls or Sums of Money herein-after mentioned, or such Tolls or Sums of Money, not exceeding the respective Tolls or Sums of Money herein-after mentioned, as the Trustees shall from Time to Time think proper ; (that is to say,)

For every Horse, Beast, or other Animal drawing any Coach, Stage Coach, Chariot, Chaise, Berlin, Landau, Sociable, Curricule, Calash, Phaeton, Whiskey, Gig, or Chair, Hearse or other such like Carriage, any Sum not exceeding One Shilling :

For every Horse, Beast, or other Animal drawing any Waggon, Stage Waggon, Van, Caravan, Wain, Dray, Cart, Drug, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, any Sum not exceeding Sixpence :

For every Horse, Beast, or other Animal drawing any Waggon, Stage Waggon, Van, Caravan, Wain, Dray, Cart, Drug, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches and not less than Four and a Half Inches, any Sum not exceeding Seven-pence :

For every Horse, Beast, or other Animal drawing any Waggon, Stage Waggon, Van, Caravan, Wain, Dray, Cart, Drug, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Four and a Half Inches and not less than Three Inches, any Sum not exceeding Nine-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, not exceeding the Sum of Two-pence :

For every Ox, Bull, Cow, Steer, Heifer, Calf, or Head of Neat Cattle, not exceeding the Sum of One Penny :

For every Hog, Boar, Sow, or Pig, Sheep or Lamb, the Sum of One Half-penny :

For every Foot Passenger (except the Person employed in driving any Carriage that has paid the Toll), the Sum of One Penny :

For every Person riding in or on any Coach, Carriage, Waggon, Wain, Cart, or other Carriage, or who shall ride upon any Horse or other Beast



Beast drawing any Coach, Waggon, Cart, or other Carriage, not being the Driver thereof, the Sum of One Penny:

For every Merlin or Bath Chair, the Sum of One Penny.

Toll not to be taken for any Horse, &c. when employed in carrying the Produce of or Manure for Lands within Four Miles of the Bridge.

One Half Toll to be taken for Lime for Lands beyond Four Miles.

Horses, &c. on paying Toll, may return free.

Horses drawing any different Carriages with Passengers or Goods to pay each Time of passing.

Horses returning the same day with fresh

LVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (but having been employed only in carrying or conveying on the same Day) any Produce of Lands grown on one Side of the River, and carried over the said Bridge for the Purpose of being stacked or housed on the other Side, for the Benefit of the Owner of such Produce, and any Dung, Soil, Compost, Manure, or Lime for improving any Lands lying within the Distance of Four Miles by the ordinary Carriage Road of the Centre of the said Bridge: Provided also, that for and in respect of all Horses or other Beasts drawing any Waggon, Cart, or other Carriage laden with Lime for the Improvement of Lands lying beyond the said Distance of Four Miles, One Half of the Tolls made payable by this Act only shall be demanded and paid, any thing in this Act to the contrary thereof notwithstanding.

LIX. Provided always, and be it further enacted, That in case the full Tolls shall have been paid for the passing of any Person or Persons, or Passengers, Horse, Beast, Cattle, or any other Animal over the said Bridge, such Horse, Beast, Cattle, or other Animal (except Horses or Beasts drawing any other or different Carriage, or Horses or Beasts not travelling for Hire under the Post Horse Duty Act, and drawing any Stage Coach, Stage Waggon, Fly, Diligence, Van, Caravan, Cart, or other Carriage carrying Passengers or Goods for Hire or Reward, or Horses travelling for Hire under the Post Horse Duty Act, passing after a fresh Hiring,) shall, on a Ticket being produced denoting such Payment, be permitted to repass over the said Bridge once only on the same Day in respect of such full Toll so paid.

LX. And be it further enacted, That in case any Horse or Horses, Beast, or other Animals returning on the same Day over the said Bridge shall draw any other Carriage than the one in which they were employed in drawing when the Toll was paid, or in case any Horse, Beast, or other Animal (not being any Horse travelling for Hire under the Post Horse Duty Act), returning on the same Day, shall draw any Stage Coach, Diligence, Van, Caravan, or other Carriage carrying Passengers or Goods for Pay, Hire, or Reward, then and in such Case the Owner or Driver of every such Horse, Beast, or other Animal shall again pay Toll in respect of such different Carriage, or in respect of drawing any such Carriage for Passengers or Goods for Pay, Hire, or Reward, and the Tolls hereby made payable shall in every such Case be paid for every second or other Time both of passing and repassing over the said Bridge, in like Manner as if no Toll had been previously paid.

LXI. And be it further enacted, That in case any Horse or Horses travelling for Hire under the Post Horse Duty Acts, for which Toll shall have been previously paid, shall return on the same Day over the said Bridge



Bridge after a new or fresh Hiring, every such Horse or Horses shall be again liable to Toll in like Manner as if no Toll had been previously paid.

Hiring to pay Toll.

LXII. And be it further enacted, That upon Payment of the Toll by this Act granted and authorized to be taken for passing over the said Bridge the Collector or Receiver thereof is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, which Note or Ticket shall be provided by the said Trustees.

Ticket to be delivered to Persons paying Toll.

LXIII. Provided always, and be it further enacted, That a Table of the Tolls payable under this Act shall be painted on a Board, and affixed on the Toll House or Toll Gate to be erected in pursuance of this Act; and it shall not be lawful for the said Trustees (except in the Case of a malicious Removal or defacing of such Board) to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Carriages, Horses, Cattle, or Passengers, but for and during such Time as a Table of the Tolls payable under this Act shall remain fixed as aforesaid.

Table of Tolls to be set up. The Tolls to be taken only whilst Table is fixed up.

LXIV. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll His Majesty or any Member of the Royal Family, or any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

Royal Family exempted from Toll.

LXV. Provided always, and be it further enacted, That no Toll whatever shall be demanded or taken for any Horse, Beast, Cattle, or Carriage, of whatsoever Description, employed or to be employed in conveying, fetching, or guarding 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 any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriage attending them with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or any Prisoner in Custody under any legal Warrant; or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise; or for any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always, that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage or Passenger on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Derby* on the Day or Days of such Election; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted for the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and

General Exemptions from Toll.



pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty on  
evading Tolls.

LXVI. And be it further enacted, That if any Person or Persons shall forcibly go upon the said Bridge without Payment of the Toll, on Demand made by any Collector or Person empowered to demand or collect the same, or shall refuse or neglect to pay the Toll on such Bridge on such Demand, or shall in any other Manner wilfully evade the Payment of the said Tolls, or any of them, or any Part thereof; or if any Person or Persons having the Care of any Horses, Beasts, or Carriages upon the said Bridge, or passing through the Toll Gate or Bar, shall refuse or neglect to pay the proper Toll, or any Part thereof, or shall wilfully or fraudulently go upon the said Bridge, or pass through the said Toll Gate or Bar, with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or, having passed through such Toll Gate or Bar, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left behind any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, or put or cause to be put or placed any Goods, Merchandize, or other Things upon or in any Carriage, with Intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Tolls may be  
distrained  
for.

LXVII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable shall, after Demand thereof made, either on the Bridge or at the Gate where such Tolls shall be collected, or after passing the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, and themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, and to stop and prevent Persons refusing to pay Toll proceeding, either by himself or herself, or with Horses, Cattle, Carts, or Carriages, in respect of which such Tolls shall be payable, until full Payment thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted, to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace.

LXVIII. And



LXVIII. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of any of the Tolls by this Act granted or authorized to be demanded and taken, or about the Amount of the Toll due, or the Charges of making, keeping, or selling any Distress for Recovery of the said Tolls, such Dispute shall be settled and determined by some Justice of the Peace for the County, Liberty, or Place in which such Dispute or Disputes shall happen, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath or Affirmation of the Parties or other Witness or Witnesses (which Oath or Affirmation such Justice is hereby authorized to administer or take), and shall determine the Amount of the Tolls due and other Matters in dispute between the Parties, and may also award such Costs and Charges to either Party as to such Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon 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.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and the Toll House, Gate, or Bar, for any Term not exceeding Three Years, upon public Bidding or private Tender, to the best Bidder, or for the best Price or Rent to be gotten for the same, payable quarterly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at any such public Letting the said Trustees shall have and be entitled to One or more Bidding or Biddings for such Tolls by their Clerk or other Person by them authorized.

Tolls may be  
leased.

LXX. And be it further enacted, That during such Time as the said Tolls, or any Part thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall regularly and duly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is by virtue of this Act authorized and empowered to demand,

Lessees or  
Persons ap-  
pointed by  
them may  
collect Tolls.



demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed in pursuance of this Act is subject or liable to.

Penalty on Collector, &c. taking greater or less Toll than allowed.

LXXI. And be it further enacted, That if any Lessee, Farmer, or Renter, or any Collector of the Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated if the said Trustees shall think fit to vacate the same; and every Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such respective Forfeitures to be recovered in manner hereinafter mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalty or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving.

LXXII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by any such Lessee or Lessees, or by the said Trustees, 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 Two Inches 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 every such Collector shall place or cause to be placed on the Front of such Toll House or Toll Gate the Board herein-before directed to be provided, containing the Schedule or List of the Tolls payable; 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 anywise hinder any Person or Persons from reading such Board, 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 upon the proper Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Horse, Beast, Cattle, Carriage, or Passenger from passing upon or from the said Bridge, or through such Toll Gate, or shall make use of any scurrilous or abusive Language to any Proprietor, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger



Passenger or Passengers, 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, to be recovered and applied as herein-after mentioned: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Penalty on obstructing Collectors.

LXXIII. And be it further enacted, That in case any Collector of the said Tolls, or any other Officer, Agent, or Servant of the said Trustees, who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Toll House, Counting-house, or Offices, or any Dwelling House, Buildings, and Appurtenances, or any Books, Papers, or other Matters and Things belonging to the said Trustees in his Possession, Custody, or Power, in right of his or their Appointment or Appointments to such Office or Offices, within Twenty-one Days after Notice given to him or them, or left at any such Buildings or Dwelling Houses, or at his or their Dwelling House, under the Hand of the Clerk of the said Trustees, by Direction of the said Trustees; or if the Widow or any of the Family of any such Collector, or other such Officer, Agent, or Servant, who shall die, or any other or others who shall be in Possession of the Premises by any means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses and Appurtenances, Books, Papers, and other Matters and Things, within Two Days after Notice shall have been given or left on the Premises, signed as aforesaid, then and in every or any such Case or Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place wherein the Premises shall be situate, or where such Books, Papers, and other Matters and Things shall then be, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Counting-houses or other Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Daytime, and thereout and therefrom to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, and take Possession of all Books, Papers, Matters, and Things which shall be found therein belonging to the said Trustees, and to deliver Possession thereof to the said Trustees, or to whom they shall appoint to receive the same.

If discharged Collector or other Officer in Possession of House or Buildings of the Trustees refuse to quit, any Justice may remove the Party.

LXXIV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously blow up, burn, pull down, or in any other Manner destroy, or attempt to blow up, burn, pull down, or in any other Manner destroy, the said Bridge, or any Part thereof, or any of the Works belonging thereto, or any Toll House, Toll Gate, or Toll Bar, or other Work, Matter, or Thing whatsoever to be erected by virtue of this Act, or shall in any Manner or by any Means prevent or hinder, or attempt to prevent or hinder, the making or building of the Bridge or Works authorized by this Act to be made or built, or the erecting of the said Toll House, Gate, or Bar, or any other Work, Matter, or Thing to be erected, built, set up, or done under or in pursuance of this Act, every Person and Persons so offending, and being thereof lawfully convicted, shall be deemed guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Simple Larceny.

Persons wilfully damaging the Bridge, &c. to be guilty of Felony.

[Local.]

35 B

LXXV. And



Subscribers to be paid 8l. per Centum per Annum when the Surplus of Tolls will afford the same, &c.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, yearly and every Year, after Payment of the Expences attending the Collection of the said Tolls, and of the necessary Repairs of the said Bridge, and the Expences of carrying this Act into execution, from Time to Time to pay and divide, out of the Surplus Money to arise by the said Tolls, unto and amongst all and every the several Persons who shall be Shareholders in the aforesaid general Fund of Eight thousand Pounds, their respective Executors, Administrators, and Assigns, a Dividend or Interest at the Rate of Eight Pounds *per Centum per Annum* on their several Shares from the Time the Bridge shall be appropriated to the Public, in case the said Surplus shall be sufficient for that Purpose, but if the same shall be insufficient, then to pay and divide unto and amongst such Shareholders, according to the respective Shares of the said Proprietors, a less Dividend or Amount of Interest, but to such Extent, not exceeding the Amount aforesaid, as the Surplus from Time to Time will afford.

Provision for paying off Subscribers.

LXXVI. And be it further enacted, That the said Trustees shall and they are hereby authorized to pay and apply the Surplus of the Tolls to arise under this Act, after Payment of all Incumbrances and Demands as aforesaid, when the same shall amount to the Sum of One hundred Pounds, in extinction and discharge of as many Shares of the Subscription Money raised for the Purposes of this Act as the said Money will pay off unto such Shareholder, his or her Executors or Administrators, as shall be determined by Lot or Ballot, in such Manner as the said Trustees at any General or Special Meeting shall direct; and so from Time to Time when and so often as such Excess or Surplus shall amount to the Sum of One hundred Pounds, the same shall be again paid in like Manner until the whole of the Shares shall be paid off.

Fund for Repairs.

LXXVII. Provided always, and be it further enacted, That after all the said Shares shall have been paid off as aforesaid the said Trustees shall and they are hereby authorized and required to place out the Money arising from the Tolls to be collected by Authority of this Act in the Public Funds or on Government Security, there to remain until the same amount to the Sum of Five hundred Pounds, and continue the same in such Funds or on such Security, to remain, with the accumulating Dividend and Interest arising therefrom, as and for a Fund to answer any unforeseen Accidents that may happen to the said Bridge, and to keep the same from Time to Time in good Repair; and from and after the Purchase of the said Shares and Extinguishment of the said Debt, and after raising the said Sum of Five hundred Pounds as aforesaid, the Tolls arising on the said Bridge shall cease to be paid or payable, except as next herein-after provided.

When Tolls shall cease.

Tolls may again be collected when-ever future Repairs shall render it necessary.

LXXVIII. Provided always, and be it further enacted, That if after such Tolls shall cease to be paid, and the said Sum of Five hundred Pounds shall have been applied for the Purposes of this Act, it shall become necessary to borrow any Sum or Sums of Money for rebuilding or for the necessary and actual Repairs of the said Bridge, that then and from thenceforth it shall be lawful for the said Trustees from Time to Time to renew the said Tolls, and to ask, demand, and take such Tolls for passing over the said Bridge as herein authorized and provided for, and to continue to ask, demand, and take the same until the Money so borrowed on the Credit of



of the said Tolls shall have been paid and discharged; and a like Fund of Five hundred Pounds shall be raised and placed out in the Manner hereinbefore mentioned to answer the Purpose aforesaid by the Receipt of such Tolls, any thing herein contained to the contrary thereof in anywise notwithstanding.

LXXIX. And be it further enacted, That any Ten of the said Trustees at any Special Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be given in Writing upon the Toll House or Toll Gate, and inserted in One or more of the Newspapers printed and circulated in the Borough of *Derby*, shall and may and they are hereby empowered from Time to Time, with the written Consent of the Majority of the Shareholders in Value for the Time being, to borrow and take up at Interest such Sum or Sums of Money, not exceeding Two thousand and five hundred Pounds in the whole, as they shall think necessary either for carrying into execution this Act, or for paying off any previous Mortgage or Charge upon the said Tolls, and for that Purpose by any Writing or Instrument under their Hands and Seals to assign over or mortgage the Tolls to be collected at the said Toll House or Toll Gate (the Charges of assigning or mortgaging such Tolls to be paid out of the same) as a Security or Securities for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of the said Tolls to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, or any less Rate of Interest, as the said Trustees shall think proper; which said Money so borrowed shall be applied and disposed of for the Purposes of this Act; and such Mortgage or Mortgages shall be signed by Five of the said Trustees, and 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,)

Trustees  
may raise  
Money by  
Mortgage of  
Tolls, with  
Consent of  
Majority of  
Shareholders.

BY virtue of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we \_\_\_\_\_ of the Trustees for putting the said Act into execution, in consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Bridge in hand paid, do grant, bargain, sell, and demise unto *A. B.*, his Executors, Administrators, and Assigns, such Portion of the Tolls arising from the said Bridge, and Toll House for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum due and owing to the Credit thereof, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum \_\_\_\_\_ with Interest at the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

Form of  
Mortgage.

And every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may and is hereby authorized from Time to Time to transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand, to be signed in the Presence of One credible Witness in the following Form, or Words to the like Effect; *videlicet*,

I [or



Form of  
Transfer.

I [or We] do hereby transfer this Mortgage [or a certain Mortgage] [setting forth the Particulars], with all my [or our] Right and Interest now due upon the same, and all Arrears now due thereon, unto his [her or their] Executors, Administrators, and Assigns. Dated this Day of One thousand eight hundred and

' A. B. '

Which Transfer when made and completed shall be good, valid, and effectual in the Law, and shall entitle the Assignee, his Executors, Administrators, and Assigns, to the Benefit thereof; and such Assignee or Assignees 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 Securities or Monies thereby due, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made by virtue of this Act shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted in equal Degree one with another, and shall have no Preference in respect to the Priority of the Time of Advance of any Sum or Sums of Money on such Mortgage or Mortgages, or of the Dates thereof respectively: Provided always, that the Interest of the Money so borrowed or raised shall be provided for and paid half-yearly out of the Tolls by this Act granted to the several Persons entitled thereto before any yearly or other Interest or Dividends shall be made to the said Subscribers to the aforesaid general Fund of Eight thousand Pounds.

Copies of  
Mortgages,  
and of Trans-  
fers of Mort-  
gages and of  
Shares, to be  
entered in  
Books.

LXXX. And be it further enacted, That Copies of all such Mortgages, and Transfers of all Mortgages, and of all Transfers of Shares as aforesaid, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which Book or Books shall and may at all seasonable Times be perused and inspected by the said Mortgagees, or Assignees of such Mortgagees or Shareholders, or any of them, or by any Person or Persons on their Behalf, without Fee or Reward; but the said Clerk shall, for the Entry in the Books of the said Trustees of the Minutes of every Transfer of such Mortgage or Share, be paid the Sum of One Shilling, and no more, by the Person producing such Transfer of Mortgage or Share; and after leaving such Mortgage or Transfer thereof, or Transfer of such Share, for Entry as aforesaid, but not till then, every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof; and such Assignee or Assignees may in like Manner assign again, and so *toties quoties*.

Securities  
not to be  
assigned  
except by an  
Instrument  
in Writing.

LXXXI. Provided always, and be it further enacted, That no Mortgage or other Security made or issued, or to be made or issued, by the said Trustees under the Authority of this Act, shall be assigned or transferred by any Party thereto except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Penalty for  
damaging  
Bridge, &c.

LXXXII. And be it further enacted, That if any Person or Persons shall moor or fasten any Boat, Barge, or Vessel, or other Thing, to the said



said Bridge or Works, or any Part or Parts thereof, or shall in any other Manner, or by any Means, Ways, Contrivance, or Device whatever, wilfully obstruct the Use or Passage over the said Bridge or Approaches; or if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any Toll House, Toll Gate, or Bar, or any of the Posts, Boards, or Tables of Tolls put up or placed by the said Trustees, or by their Order, or by virtue of this Act, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed by Order of the said Trustees on the said Bridge or Approaches, or at or near to the said Toll House, Toll Gate, or Bar, or shall cause or procure the same to be done; or if any Person or Persons shall wilfully pull up, injure, or damage any other Posts, Rails, or Fences to be placed or put up by Order of the said Trustees by the Side or Sides of such Bridge or Approaches, or shall remove, throw down, pull up, or displace or injure any Stakes or Marks put up or placed for staking out or marking the Line of the said Bridge, Approaches, or Works; or if any Person or Persons shall, upon any Part of such Bridge or Approaches, haul or draw, or cause to be hauled or drawn, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage to drag thereon to the Prejudice thereof; or wilfully drive any Waggon, Cart, or Carriage upon or along or against any Footpath or Causeway, or wilfully or carelessly cause any Damage to be done to any Footway or Causeway, or thereon turn loose any Horse, Ass, Beast, or Swine, or suffer any Horse, Ass, Beast, or Swine to be turned loose or to wander or stray, or to be or remain thereon; or wheel any Carriage, Truck, or Wheelbarrow on any Footway or Causeway; or ride on the Shafts or on any other Part of any Waggon, Cart, Dray, Sledge, or other such Carriage, or on any of the Horses drawing the same, without Reins or some other Person on Foot for driving the same; or being on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of such Bridge or Approaches, or in any Manner wilfully impede the public Passage; or make or assist in the making of any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football or any other Game, to the Annoyance of any Passenger or Passengers; or unnecessarily leave thereon any Waggon, Wain, Cart, or other such Carriage, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or convey any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, on Horseback, without placing such Bar or Rod, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall not project more than Fifteen Inches from the Side of such Horse or other Beast, or so as not in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage; or, driving any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones thereon, or wilfully or carelessly drive the Wheel of any Carriage against the same, or lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever thereon, to the Prejudice, Annoyance, or Interruption

[Local.]



of Persons travelling and passing thereon; or if any Person shall wilfully obstruct the free Passage of any Passenger or Passengers on the said Footways; every such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures, and such Offenders shall also pay to the said Trustees or their Treasurer such Sum of Money as shall be a full Satisfaction for the Damage so done; which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act.

Penalty on conveying for Hire Persons, &c. over the River within a certain Distance without Payment of the Tolls.

LXXXIII. And be it further enacted, That after the said Bridge shall be established, if any Person shall, for Hire, in any Way or in any Manner convey any Person, Horse, Beast, or Cattle, or any Coach, Chaise, Waggon, Cart, Boat, or other Carriage whatsoever, across the said River *Trent*, at any Place or Places within One Mile of the said Bridge, without Payment to the said Trustees, or their Collectors or Lessees, of the Toll or Tolls which ought to be paid by virtue of this Act, or whereby such Tolls or any Part thereof may be evaded, or shall be in anywise aiding or assisting therein, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Half whereof shall be paid to the Informer, and the other Half to the Treasurer of the said Trustees for the Purposes of this Act, also the Tolls which shall be thereby so evaded, to be recovered and levied in like Manner as such Penalty may be recovered or levied by virtue of this Act.

Compensation ordered to be paid by Trustees may be levied by Distress of their Goods.

LXXXIV. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Trustees, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the Matter, shall forthwith be paid by the Treasurer to the said Trustees, out of the Monies in the Hands of such Treasurer, to the Party or Parties entitled to receive the same; and if the same shall not be so paid within Twenty-one Days after Demand thereof in Writing shall have been made and delivered to the Clerk or Treasurer to the said Trustees for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Trustees, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs also of such Distress and Sale, under a Warrant to be issued for that Purpose by any Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant upon Application made to him or them for that Purpose by the Party or Parties entitled to receive such Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid.

LXXXV. And



LXXXV. And be it further enacted, That in all Cases where any Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof shall not be specified or provided for, the Amount of such Damages and Charges, in case of Nonpayment or of any Dispute respecting the same, shall be settled, ascertained, and determined by some Justice or Justices of the Peace; and the Justice and Justices aforesaid is and are hereby authorized and required, on Nonpayment of the Amount of such Damages and Charges, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same in manner directed by this Act for levying of any Penalties or Forfeitures.

Damages and Charges, in Cases of Distress, to be settled by Justices.

LXXXVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings, by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXVII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and 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 to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined, or shall not answer upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Compelling Witnesses to attend.

LXXXVIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, or in any Dispute, Suit, or Litigation in anywise relating to the Tolls by this Act granted, by reason of being a Proprietor of any Share or Shares in the said general Fund of Eight thousand Pounds, or a Farmer or Lessee or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer or Servant of the said Trustees, or other Person acting under the Authority of the said Trustees, nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

Proprietors, Collectors, &c. not to be incompetent Witnesses.

LXXXIX. And



For punish-  
ing Persons  
giving false  
Evidence.

LXXXIX. And be it further enacted, That all and every Person or Persons who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully give false Evidence or otherwise forswear themselves before any Jury, or before any Justice or Justices of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Recovery of  
Penalties and  
Forfeitures.

XC. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise herein directed,) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending or by the Oath or Affirmation of any credible Witness or Witnesses (which Oath or Affirmation such Justice is in every Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Forfeitures, Penalties, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time

If Penalties  
cannot be  
levied, the  
Offenders to  
be commit-  
ted for any  
Time not  
exceeding Six  
Calendar  
Months.



paid to the Treasurer or Treasurers to the said Trustees, and be applied and disposed of for the Purposes of this Act.

XCI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, (and which all By-standers and other Persons, on Demand, are hereby required to give,) without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers,) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed or such Offender or Offenders shall be seized or apprehended, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

XCII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form or to the like Effect; (that is to say,)

Form of Conviction of Offenders.

‘ Derby } BE it remembered, That on the Day of  
 ‘ to wit. } in the Year of His Majesty  
 ‘ A.B. is convicted before me, one of His Majesty’s  
 ‘ Justices of the Peace for the said County of Derby, by virtue of an Act  
 ‘ of Parliament made in the Fifth and Sixth Years of the Reign of His  
 ‘ Majesty King William the Fourth [*here set forth the Title of this Act, and*  
 ‘ *specify the Offence, and the Time and Place when and where the same was*  
 ‘ *committed, and the Judgment in respect thereof, as the Case may be.*]  
 ‘ Given under my Hand and Seal the Day and Year aforesaid.’

XCIII. And be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act (except in such Cases where the final Determination is directed by this Act), and for which no particular Method of Relief hath been hereby appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden in and for the County or Place in which the Cause of Complaint shall arise, and within Four Calendar Months after such Cause of Complaint shall have arisen, the Person appealing first giving or causing to be given Ten Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the said Trustees or other the Respondent or Respondents, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at the said General or Quarter Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and award such Costs to the Party ap-

Persons aggrieved may appeal to the Quarter Sessions.

[Local.]



pealing or appealed against as the said Justices shall think proper; and the Determination of the said Justices in their said General or Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

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

XCIV. Provided always, and be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case; provided that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity if sufficient Tender of Amends hath been made to him, her, or them by or on behalf of the Defendant or Defendants before such Action brought.

Limitation of  
Actions.

XCV. And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done in pursuance or under colour of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority or under colour of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than 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 suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases at Law.

For Service  
of Notices,  
&c. on the  
Trustees.

XCVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary, under the Provisions of this Act or otherwise, for any Person or Persons or Party or Parties to serve upon the said Trustees any Notice or Notices, Writ or Writs, or other judicial or legal Proceeding, or Proceedings in Equity, the Service thereof upon the Clerk of the  
said



said Trustees, or delivered to some Inmate at the Office or usual Place of Abode of such Clerk, shall be deemed good and sufficient Service of the same respectively upon the said Trustees.

XCVII. And be it further enacted, That after the said Bridge, with the Appurtenances and Approaches thereto, shall have been completed, the same shall be opened to the Public, and all Persons, with or without Horses, Cattle, or Carriages, shall have free Liberty, upon Payment of the Tolls by this Act granted, to pass over the same without any Interruption whatsoever, but such Bridge shall not be deemed a County Bridge so as to subject the said County of *Derby*, or any Parish or Parishes therein, to repair the same or either of the Approaches thereto, other than as is herein provided.

Bridge to be public, but not to be deemed a County Bridge.

XCVIII. 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.

Public Act.

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