



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 18.

An Act for amending, widening, repairing, and improving the Road from or from near to the Village of *Glossop*, in the County of *Derby*, to or near to *Marple Bridge*, in the said County; and for making several Branches of Roads to and from the same. [24th March 1803.]

WHEREAS the Road leading from the Village of *Glossop*, in the County of *Derby*, through the several Hamlets of *Glossop*, *Whitfield*, *Dinting*, *Simondley*, *Charlesworth*, *Chisworth*, and *Ludworth*, to or near to *Marple Bridge*, in the said County of *Derby*, is in a very ruinous Condition, in some Parts thereof narrow and incommodious, and cannot be effectually amended, widened, altered, improved, and kept in Repair by the ordinary Course of Law: And whereas it will be of great Convenience to the Neighbourhood, and of publick Utility, if a new Branch of Road were made from and out of the said Road from or from near a Place called *The Lower Fold*, in the Hamlet of *Ludworth* aforesaid, to *Compstow Bridge*, in the said County of *Derby*, and another new Branch of Road from and out of the present Road, at or near a certain Place called *Gamesley*, in the said Hamlet of *Charlesworth*, to or near to a Place called *Runal Intake*, in the Hamlet of *Padfield*, in the

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said

said County, to communicate with the Turnpike Road leading from *Chapel-en-le-Frith* to *Enterclough Bridge*, in the said County of *Derby*; and another new Branch of Road from or near a Place called *Turnlee*, in the Hamlet of *Simondley*, by *Dinting Mill*, to a Place called *Woolley Bridge*, in the Hamlet of *Hadfield*, in the Parish of *Glossop*, in the said County, to communicate with the Turnpike Road leading from *Glossop* aforesaid to *Clayland's Gate*, in the Township of *Longdendale*, in the County, Palatine of *Chester*: And whereas the amending, widening, altering, improving, and keeping in Repair the said Road, and the making and maintaining the said several new Branches of Road, will greatly tend to the Improvement of the Trade and Commerce carried on in the Neighbourhood thereof, and be a great Benefit and Convenience to all Persons travelling thereon; but the several Purposes before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Andrew, George Andrew, John Bennett, Thomas Bennett, Ralph Bridge, Arthur Bestock, Robert Bennett, George Burges, Thomas Beard, John Brocklehurst, Thomas Barker, William Chambers Bagshaw, Samuel Bagshaw, John Cooper, William Chatterton, William Carleill, Thomas Dewhurst, Thomas Dalton, Joseph Denman, Francis Eyre, Vincent Eyre, Matthew Ellison, Samuel Frith, Joseph Gould, Bernard Howard, Henry Howard, Edward Howard, John Heaton, Moses Hadfield, Joseph Hadfield, Christopher Howe Clerk, Entwistle Hague, Thomas Hadfield, Jonathan Jowett, John Isherwood, John Kershaw, Henry Kelsall, Henry Kirk, Samuel Kinder, Joseph Lyne, John Loton, Joshua Marriott, James Mander, Charles M'Niven, James Nield, Robert Newton, James Newton, Isaac Newton, Samuel Oldknow, James Platt, Parkinson, William Radcliffe, Samuel Ratcliffe, John Ratcliffe, John Reddish, John Robinson, George Roberts, Robert Robinson, James Robinson, Thomas Rhodes, William Starkie, Robert Shepley, Samuel Shepley, Ashton Ashton Shuttleworth, Robert Thornley, John Thornley, Joseph Thornley, Robert Thornley, John Turner, James Turner Clerk, James Taylor, Bache Thornhill, Harry Bache Thornhill, Nathaniel Wright, John Whitehead Clerk, James Wagstaff, Ralph Wood, William Wardlow, Thomas Wood, Thomas Winterbottom, Robert Wright*, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, amending, widening, altering, diverting, improving, and keeping in Repair the said Road and Branches of Road, and for otherwise putting this Act in Execution.

Trustees.

For appoint-
ing new Truf-
tees.

II. And be it further enacted, That when and as often as any Trustee shall become, by Bankruptcy or Insolvency, dispossessed of the Qualification herein-after mentioned, or shall cease to reside for the Space of Two Years together in any of the Counties of *Derby, Chester, or Lancaster*, or shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect One other Person living in any of the said Counties, to be a Trustee in the Room of such Trustee so disqualified to act, or ceasing to reside as aforesaid in any of the said Counties of *Derby, Chester, or Lancaster*, or deceased, or refusing to act; but Notice of the Time and

Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected or to be erected in or upon the said Roads, and also by inserting the same in some Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting; and all Persons that shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with; and that no Trustee or Trustees shall have Power to act in the Execution of this Act but during such Time only as he or they shall live or reside within the said Counties of *Derby, Chester, or Lancaster*, or One of them.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of Eighty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate to the Amount of Eight hundred Pounds, nor (except in administering the Oath following) before he (not being such Heir Apparent) shall have taken and subscribed the Oath following, before any Five or more of the said Trustees, who are hereby authorized and empowered to administer the same; that is to say,

‘ I *A. B.* do swear that I truly and *bonâ fide* am seised of, in my own Right, (or, in the Right of my Wife, *as the Case may be*), and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity, of the clear yearly Value of Forty Pounds, (or, possessed of a Personal Estate of the Amount of Eight hundred Pounds).

‘ So help me GOD.’

And if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, except in administering such Oath as aforesaid, or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every such Person so offending in all or any of the Premises, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of

Qualification
of Trustees.

Oath.

Penalty on
Persons acting
if not quali-
fied.

of this Act, notwithstanding their being Trustees, (except only in such Cases where they shall be personally interested).

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

IV. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act; either in the Names of Trustees as may be Parties to any Deed or Instrument in Writing, upon which any Action shall or may be brought, or in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in their Names or in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, or Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that such Trustees, or Clerk in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, they or he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of their or his being so made Plaintiffs or Defendants, Plaintiff or Defendant, as aforesaid.

First Meeting
of the Trust-
tees, &c.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet on *Thursday* the Fourteenth Day of *April* One thousand eight hundred and three, or as soon after as conveniently may be, at the House of *Edward Pickford*, in *Glossop* aforesaid, and proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet yearly, some Time in the Month of *August*, at the Place aforesaid, or any other Place near the said Roads, as the said Trustees, or any Five or more of them, shall think proper or convenient for putting this Act in Execution; which Meeting shall be deemed a General Meeting, and at which yearly Meeting all Accounts relating to the said Trust shall be examined, settled, and adjusted; and the said Trustees, or any Five or more of them, shall, at any such Meeting, adjourn themselves to some convenient Place or Places at or near the said Roads respectively, and may make such further Adjournments from Time to Time, for putting this Act in Execution, as they shall think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees for the Purposes aforesaid, then and in such Case the Clerk to such Trustees, by Notice in Writing to be affixed at or on all the Turnpikes then erected on the said Roads, at least Ten Days before the next Meeting, shall appoint such Trustees to meet at the House where the last Meeting of such Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of such Trustees was appointed to have been held; and that the said Trustees at all their Meetings shall defray their own Charges and Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as herein particularly mentioned); and no Order or Determination

Determination of the said Trustees shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than the respective Number herein mentioned, (as the Case may be); nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk to the said Trustees, and for Want of such Clerk to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any such Meeting.

VI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time being not less than Twenty Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Meetings on
Emergencies.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may, at a Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the respective Turnpikes which shall be then erected on the said Roads, by any Writing or Writings under their respective Hands, from Time to Time, to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new Ones in Cases of Death or such Removal; and the said Tolls shall be paid after the Rates herein mentioned, to such Persons as shall be so appointed to receive the same; and the said Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at the said annual Meeting to be held in the Month of *August* in every Year, give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how, to whom, and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes as they, or any Five or more of them, shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, (which Oath any Two of the said Trustees are hereby empowered to administer);

Trustees may
appoint Officers,
&c.

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minister);

minister) ; and if any of the said Officers, or other Persons, shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then and in either of the said Cases it shall be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward) ; and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Goal of the County or Place where such Person shall reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid ; and in case any of the said Officers, or other Persons, shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall live or reside, to make Enquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals, to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Party or Parties, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted ; and if sufficient Distress cannot be found, then the said Justices, or any Two other Justices for the respective County or Place, shall commit such Person or Persons to the Common Gaol of the County or Place where such Person shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same, which Composition the said Trustees, or any Five or more of them at any Meeting, are hereby empowered to make : Provided always, that no Person shall be committed for Want of sufficient Distress, for any longer Space of Time than Six Calendar Months.

Trustees to
appoint tem-
porary Collec-
tors.

VIII. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged, and to continue until the next Meeting of the said Trustees, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or been subject to ; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives

tives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Five or more of the said Trustees, or their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person and Persons who shall be found therein, and the Occupier and Occupiers thereof, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Three or more of them, or their Clerk, or their new appointed Officer, into the Possession thereof, with the Appurtenances.

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

Trustees may allow Salaries.

X. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurers, Clerks, Collectors of the Tolls, and other Officers, for the due Execution of their respective Offices, as to such Trustees, or any Five or more of them, shall seem expedient.

Treasurers to give Security.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect and set up, or cause to be erected and set up, so many Turnpike or Turnpikes, Toll Gate or Toll Gates, in, upon, across, or on the Side or Sides of any Part of the said several Roads and intended Branches of Road, or of any Lane or Way leading into the same respectively, as they may judge expedient; and shall and may also erect or provide a Toll House, with suitable Outbuildings and Conveniencies, at or near each Turnpike or Toll Gate; and may also inclose from the said Roads convenient Garden Spots to the said Toll Houses, as they the said Trustees, or any Five or more of them, shall judge proper; and may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, as they, or any Five or more of them, shall think proper.

Power to erect Turnpikes.

XII. And be it further enacted, That the Property of all the Turnpikes and Toll Houses, and other Buildings, Weighing Engines, and Fences, erected or provided in and upon or on the Sides of the said Roads,

Vesting Turnpikes and Toll Houses in Trustees.

Roads, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall disturb them in the Possession thereof.

XIII. And be it further enacted, That the respective Tolls following shall and may be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Cart, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Toll Gate, Turnpikes or Toll Gates, as shall or may be erected by virtue of this Act; (that is to say),

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Hearse, Chariot, Curricule, Calash, Chaise, Chair Marine, or Chair, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Six Inches or more, the Sum of Four-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any greater or less Number:

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

And that on every *Sunday* after the passing of this Act, there shall be demanded and taken at any of the Turnpikes or Toll Gates to be erected by virtue of this Act, by such Person or Persons so to be nominated and appointed as aforesaid, before any Horse, Cattle, or other Beast, shall be permitted to pass through the same, Double the Tolls before directed to be taken on any other Day of the Week.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons to be appointed as aforesaid, to collect such Toll, to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, or Things so distrained, returning the Overplus, (if any), on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and that all the Tolls to be collected or levied by virtue of this Act, shall be, and are hereby.

Tolls to be taken at the Bars.

Tolls.

Double Toll to be taken on *Sunday*.

For Recovery of Tolls, *etc.*

hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-after mentioned.

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

For settling
Disputes con-
cerning Tolls.

XV. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike to be erected upon the said Roads, shall be subject to any Toll for returning through such Turnpike the same Day before Twelve of the Clock at Night with the same Horses, or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls.

Tolls to be
taken but
Once a Day.

XVI. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Roads or any of them, or shall travel on them or any of them for the Space of One hundred Yards only; unless such crossing shall be with an Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Tolls shall be avoided accordingly.

No Toll for
crossing the
Road.

XVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages of whatsoever Description employed or to be employed, in carrying the Mails of Letters or Expresses under the Authority of His Majesty's Post-Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers upon their March, or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to officiate, or returning from officiating at any Church or other Place of Divine Worship, or visiting his sick Parishioners; nor of or from any Person or Persons going to, or returning from his, her, or their Parochial Church, Chapel, or other Place of religious Worship on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to

Exemptions
from Tolls.

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be celebrated, or who shall be attending or going to attend, or returning from attending the Funeral of any Person or Persons who shall die or be buried in any Township, Hamlet, or Place through which any of the said Roads pass; nor for or in respect of any Cattle or Carriage laden only with Gravel, Stone, or other Materials for repairing the said Roads, or any Road in any of the Townships, Hamlets, or Places, in which the same do lie, or Dung, Mould, Marl, Soil, or Compost, of any Nature or Kind whatsoever (Lime excepted) for manuring any Garden or other Lands or Grounds within any of the Townships, Hamlets, or Places in which any Toll Gate is or shall be erected on the said Roads, or in any of the adjoining Townships, Hamlets, or Places; or Grass, Hay, Saint-foin, Fodder, Straw, or Corn in the Straw, Turnips, or Potatoes to be laid up in the Houses, Outhouses, Barns, Yards, or Premises of the respective Inhabitants or Occupiers of Land within the said respective Townships, Hamlets, or Places, being the Growth and Produce of Land held and occupied by the respective Inhabitants or Occupiers within such respective Township, Hamlet, or Place, and carried for their own private Use and Consumption only, and not for Sale; nor for any such Cattle or Carriage going only to be, or returning after having been only so employed; nor shall any Toll be demanded or taken for any Horses or Cattle drawing any empty Carriages not used for Pleasure, and being the Property of any of the Inhabitants of such respective Townships, Hamlets, or Places; nor for any Cattle drawing a Carriage going with or going empty for, or returning empty after having been laden with any Plough, Harrow, or other Instrument of Husbandry also belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle or Stock of any Kind, going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to or returning from any Smith, or Blacksmith's Shop to be shoed; nor for any Cattle or Carriage carrying Corn to any Mill to be ground, or returning empty after having delivered such loading, or going unladen to fetch such Corn ground, or returning laden therewith, such Corn being the Property of any Inhabitant of the Township, Hamlet, or Place where such Corn shall be ground, or of any adjoining Township, Hamlet, or Place, provided such Corn shall be for the Use and Consumption of such Inhabitant only, and not for Sale; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; nor of or from any Person or Persons going to vote, or returning from voting at any Election of a Member to serve in Parliament for the said County of *Derby*, or for the Borough of *Derby* on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

That Cattle and Carriages laden with Lime shall be subject to Toll.

XVIII. And whereas Doubts may arise how far Cattle and Carriages laden with Lime are exempt from the Payment of Toll: And whereas there is already great Passage on the Roads hereby intended to be repaired, of Horses laden with Lime; and when the said Roads shall be repaired, amended, and widened, a considerable Addition will be had to such Passage by Carriages laden with Lime: And whereas it is but reasonable that Cattle and Carriages laden with Lime should contribute to the Expence of maintaining the said Roads; be it therefore further enacted, That
nothing

nothing in the Exemption Clause herein-before enacted shall extend, or be construed to extend to exempt Cattle and Carriages laden with Lime from the Payment of Toll, with which they are hereby declared to be subject and chargeable, as well as all other Cattle and Carriages travelling on the said Roads, other than and except those as are particularly mentioned and specified in the herein-before enacted Exemption Clause.

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall happen to arise touching or in anywise relating to the said Tolls or the Recovery thereof, the Person or Persons appointed to collect the same; or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and they and every of them are and is hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Bar Keepers
competent
Witnesses.

XX. Provided always, and it is hereby enacted, That no Person shall have or claim any Benefit or Exemption from Toll for or in respect of any Waggon, Cart, or other Carriage, which hath or shall have Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, and upon which the Sole shall not lie flat, or so as not to deviate more than Half an Inch from a flat Surface, and shall not have the Nails counter-sunk so as not to rise above the Surface; or for or in respect of any Waggons, Cart, or other Carriage which together with the Loading thereof shall be of greater Weight than is allowed by an Act made in the Thirteenth Year of the Reign of His present Majesty, relating to Turnpike Roads in this Kingdom; to Waggons, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Toll thereby imposed; and it shall be lawful for the said Trustees, or any Five or more of them, to order all such Waggons, Carts, or other Carriages, to be weighed in like Manner and with the same Powers and Authorities as is directed for the weighing of Carriages by the said Act made in the Thirteenth Year of His present Majesty's Reign.

No Exemption
from Tolls for
Carriages with
Wheels of
less Breadth
than Six
Inches.

XXI. And be it enacted, That if any Person shall offer or dispose of any such Note or Ticket to any Person, in order to evade the Payment of the said Tolls, every Person so offering or disposing of such Note or Ticket, and the Person receiving and making use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein directed to be applied.

Penalty on
Persons dis-
posing of
Tickets to
avoid paying
Toll.

XXII. And be it further enacted, That, it shall be lawful for the said Trustees, or any Five or more of them, at any publick Meeting, if they shall think proper, to order and cause to be built and erected, at any of the Turnpike Bars or Toll Gates erected or to be erected by virtue of this Act upon any Part of the said Roads, or at such Distance from such Turnpike Bars or Toll Gates as they shall think requisite and expedient, a Crane, Machine, or Engine, with a suitable House or other Building thereto, proper for the weighing of Carts, Waggons, or other Carriages, conveying any Goods, Wares, or Merchandize whatsoever; and to each such Crane,
Machine,

Trustees may
at publick
Meetings,
order Engines
to be erected
for weighing
Carriages, and
may take a
per Centum
for Over-
weight.

Machine, or Engine to order and cause to be erected a Turnpike Gate or Toll Gate, across the said Roads, and by Writing, signed by them or any Five or more of them, to order all or any such Carriage or Carriages which shall pass loaded through any such Gate or Bar, or shall come upon any of the said Roads within the Distance of Fifty Yards from any such Crane, Machine, or Engine, though the same Carriage or Carriages shall not have passed through any Toll Gate or Turnpike Gate, to be weighed together with the Loading thereof; and it shall be lawful for the said Trustees, or any Five or more of them, to order any Person or Persons to receive and take over and above the Tolls hereby granted, the following Sums of Money as additional Tolls for every Hundred Weight of One hundred and twelve Pounds to the Hundred which any Waggon, Cart, or other Carriage, together with the Loading thereof, shall weigh at any Weighing Engine erected or to be erected by virtue of this Act, over and above the Weights allowed to each of them respectively by the said Act of the Thirteenth Year of the Reign of His present Majesty: that is to say, for the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred; for every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence; for every Hundred of such Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings; and for every Hundred of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings; which said additional Toll hereby granted and made payable, shall and may be levied and recovered in any of the Cases aforesaid upon any Person liable thereto, or upon his or her Goods or Chattels, who shall after Demand made thereof refuse or neglect to pay the same, in such Manner as any other Toll is hereby directed to be levied and recovered; and the Money arising from such additional Toll shall be applied to the Repair of the Road where the same shall be collected.

No Toll but for Overweight at any Turnpike or weighing Engine.

XXIII. Provided always, and be it enacted, That no Toll shall be collected or payable at any Turnpike or Toll Gate to be erected by virtue of this Act, at any such Crane, Machine, or Engine, for the Use of any such Crane, Machine, or Engine only, for any Carriage passing through the same and being weighed, except for Overweight as aforesaid.

The Person appointed by the Trustees, shall weigh all loaded Carriages which he has Reason to suspect carry Overweight.

XXIV. And be it further enacted, That the Keeper of every such Toll Gate or Bar where any such Weighing Engine shall be erected, or any other Person appointed or to be appointed by the said Trustees, or any Five or more of them, to the Care of such Crane, Machine, or Engine, shall and is hereby required to weigh all such Waggon and Carts liable to be weighed by virtue of this Act, which shall pass laden through such Gates or Bars respectively, or shall come upon any Part of the said Turnpike Roads within the Distance of Fifty Yards from any such Crane, Machine, or Engine, without passing through any such Turnpikes or Toll Gates, or Toll Bars respectively, and which he shall have Reason to believe carry greater Weights than are allowed to pass without paying such additional Toll; and if any Gate Keeper or Person so appointed shall permit any such Waggon or Cart to pass through any such Toll Gate with greater Weight than is allowed as aforesaid, without weighing the same and receiving such additional Tolls as aforesaid, and every Owner or

Driver to place his Cart upon the Crane or Engine.

Driver

Driver of any such Waggon or Cart which shall pass loaded through any such Gates or Bars respectively, or shall come upon any Part of the said Turnpike Roads, within the Distance of Fifty Yards from any such Crane, Machine, or Engine, who shall refuse to suffer his Carriage to be weighed, or shall refuse to drive his Carriage upon the Engine upon being required so to do by the Collector or Receiver of such additional Tolls, although such Waggon or Cart shall have passed beyond the Distance of One hundred Yards from any such Gates or Bars respectively, or beyond any such Crane or Engine as aforesaid, or shall not drive his Cart upon the said Weighing Engine for the Purpose of being weighed, being required so to do, every such Gate Keeper or Person so appointed as aforesaid, shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings; and the Driver being the Owner of every such Waggon or Cart shall for every such Offence forfeit any Sum not exceeding Ten Pounds, nor less than Five Pounds; and the Driver of every such Waggon or Cart, not being the Owner, shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Or for his Neglect shall forfeit not exceeding 5*l*. nor less than Forty Shillings.

XXV. And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor of such Turnpike Roads respectively, if he shall suspect any such Connivance or Neglect as aforesaid; to cause any Carriage, liable to be weighed by virtue of this Act, which shall have passed through any Turnpike or Toll Gate, or shall come upon any Part of the said Roads within the Distance of Fifty Yards from the Place where such Crane, Machine, or Engine shall be erected, and shall not have passed, or be above Three hundred Yards beyond or from such Toll Gate or Weighing Engine, to return to such Weighing Engine and be there weighed, with the Loading thereof, in the Presence of such Trustee, Creditor, Clerk, Treasurer, or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing (which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and Loading the same shall be found above the Weight hereby allowed); and the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to inclose from the said Roads; or to purchase and inclose from the Lands adjoining thereto, sufficient Ground for the Purpose of erecting such Cranes, Machines, or Engines, and Houses or other Buildings and Conveniencies thereto, and for the Purpose of making convenient Places for turning such Carriages upon every such Road where any such Weighing Engine shall be erected, on each Side thereof if the Ground will admit of the same; and there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor of such Roads respectively, put up in the House or Building where such Weighing Engine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit a Sum not exceeding Five Pounds; and it shall be lawful for any Peace Officer, or other Person or Persons being then present, upon such Neglect or Re-

To detect Fraud in the Gate Keeper, any Trustee, &c. may compel the Carriage, within Three Hundred Yards, to return and be weighed in his Presence.

Convenient Places to be made for Carriages to turn about.

[Loc. & Per.]

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fusal,

fulal, to drive and take such Carriage back to such Weighing Engine, in order that the same may be weighed as aforesaid.

Penalty on Persons unloading etc. to avoid the paying the additional or any other Toll.

XXVI. And be it further enacted, That if any Person or Persons shall unload or cause to be unloaded any Goods, Wares, or Merchandize, from any Waggon, Cart, or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Engine, erected or to be erected by virtue or in pursuance of this Act, or shall load or lay upon any such Carriage, after the same shall have passed any such Turnpike or Weighing Machine, any Goods, Wares, or Merchandize, taken or unladen from any Horse, Cart, or other Carriage belonging to, or hired or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties of Three-pence, Sixpence, Two Shillings and Sixpence, Five Shillings, and Twenty Shillings *per* Hundred in the Cases aforesaid; or if any Person shall so unload, and thereby pay less Toll at such Turnpike Gate than would have been paid if such Goods, Wares, or Merchandize had not been so unloaded, each and every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted before One or more Justice or Justices of the Peace for the Limit where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, to be levied upon the Goods and Chattels of the Owner of such Cart, Waggon, or other Carriage, and each and every Driver, not being the Owner of such Waggon or Carriage, so offending, and being thereof convicted as aforesaid, shall be committed to the House of Correction for any Time not exceeding the Space of Three Calendar Months.

Penalty on Persons driving Carriages out of the Road to avoid the Toll, and afterward returning upon it.

XXVII. And be it further enacted, That if the Owner of any Waggon, Cart, or other such Carriage, or other Person being the Driver thereof, travelling on the said Roads, where any Toll Gate or Weighing Engine is or shall be erected, shall turn out of the same into any other Road in order to avoid being weighed, or to avoid the paying of Toll, and shall afterwards proceed with such Carriage into and on any Part of the Roads hereby directed to be made and amended, every such Owner or other Person, convicted of such Offence before One or more Justice or Justices of the Peace for the Limit where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit (if he be the Owner) any Sum not exceeding Five Pounds nor less than Twenty Shillings, and if he be the Driver and not the Owner, any Sum not exceeding Fifty Shillings nor less than Ten Shillings, upon Conviction for every such Offence.

And if the Driver, Half that Sum.

Distance fixed for the Wheels of Carriages to be weighed.

XXVIII. And be it further enacted, That no Carriage liable to be weighed by virtue of this Act shall pass along the said Roads unless the same shall be made and constructed in such Manner that no Pair of such Wheels shall be wider than Four Feet Six Inches from Inside to Inside, to be measured on the Ground (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which shall be so constructed as to roll a Surface of Sixteen Inches), and that the wider Part of such Wheels shall not be more than Five Feet Eight Inches from Inside to Inside, to be measured on the Ground, and that the Distance from
the

the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon, or Four wheeled Carriage not being used for the Carriage of Timber only, be not above Nine Feet, to be measured from the Centre of the Axletrees at the Ends thereof, on Pain of the Owner or Owners of every such Waggon, Wain, or Cart, forfeiting a Sum not exceeding Five Pounds for every such Offence; and the Surveyor or Surveyors, Gate Keeper or Gate Keepers of the said Roads, is and are hereby authorized and required, at any Turnpike or Toll Gate, or at any other Place upon the said Turnpike Roads, to measure every such Waggon, Wain, or other such Cart; and if any Master or Driver of any Waggon, Wain, or other such Cart, shall hinder or refuse to permit such Surveyor or Surveyors, Gate Keeper or Gate Keepers to measure such Waggon, Wain, or Cart as aforesaid, he or they shall forfeit any Sum not exceeding Five Pounds; and it shall not be lawful for any such Waggon, Wain, or Cart, not permitting to be measured as aforesaid, to pass along the said Roads.

Surveyors and Gate Keepers required to measure them.

XXIX. And be it further enacted, That the Gate Keeper or Toll Gatherer of every such Toll Gate or Bar, and the Keeper of every such Toll Gate or Bar where any such Crane, Machine, or Weighing Engine shall or may hereafter be erected or set up in or across the said Turnpike Roads, and every Surveyor of the said Roads, shall, when required by Notice in Writing from the said Trustees, or any Five or more of them, render upon Oath (to be administered by and taken before any One Justice of the Peace in and for the said County of *Derby*, or before any Trustee of the said Roads) a true and exact Account in Writing to the said Trustees, or to any Person to be named in such Notice appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at such Toll Gate or Bars or otherwise, on Account of the said Turnpike Roads not before accounted for, under a Penalty not exceeding Forty Pounds nor less than Ten Pounds for every such Offence or Neglect, to be recovered in a summary Manner before any One such Justice of the Peace, and applied to the Use of the said Roads; and every Collector or Toll Gatherer at any such Crane, Machine, or Engine, who shall take a greater or less Toll or Tolls from any Person or Persons than what is or are hereby authorized and directed to be taken for Overweight, as herein-before is mentioned, shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Gate Keepers and Surveyors to account upon Oath when required by the Trustees.

XXX. And whereas Part of the said Roads leads over Commonable and Waste Grounds, and the Tolls by this Act granted may, by reason of the great Width and Extent of such Commons and Waste Grounds, be easily avoided; be it therefore further enacted, That the said Trustees or any Five or more of them, may and they are hereby authorized and empowered if they see Occasion, to make, or cause to be made such Ditches, Cops, Walls, and Fences, by the Sides of the said Roads, or upon, over, or across the said Commons or Waste Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down, or otherwise damage, displace, or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings. 7

Trustees may make Fences on Commons to prevent Tolls being avoided.

XXXI. And

Penalty on
permitting
private Pas-
sage, etc. or
evading Toll.

XXXI. And be it further enacted, That if any Person or Persons shall, with any Horse, Beast, Cattle, or Carriage, pass through any Lands, Grounds, or Hereditaments, lying near any Turnpike or Toll Gate at any Time erected on the said Roads (the same not being a publick Highway), or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever to pass through the same, or if any Person or Persons shall give to, or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given whereby the Payment of any of the said Tolls, or any Part thereof shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate, with any Horse, or other Cattle or Beast, without Payment of Toll, shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or shall leave or cause to be left upon or near any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or shall with such Intent unload any Goods from any Horse, Cattle, Beast, or Carriage, or in any Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereby directed to be applied.

Tolls may be
varied.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five or more of them shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-after mentioned, and to order and direct such Tolls so to be lessened or reduced or advanced, to be collected, received, taken, laid out, and applied for the Purpose of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made, unless the Person or Persons who shall be entitled to Two Thirds of the Money which shall have been lent, and be then due upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such Reduction shall be made unless Thirty Days Notice at least shall be given in Writing to be affixed on all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, expressing the Intention of making such Reduction, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Roads do pass.

Trustees em-
powered to
compound for
Tolls.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages passing through

through any of the said Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money, shall be paid One Year in Advance, otherwise such Composition shall be void.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk or Treasurer for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, for any Term not exceeding Three Years at any One Time, for the best Rent that can or may be got for the same, payable at such Times and under such Covenants and unto such Person or Persons as the said Trustees or any Seven or more of them shall direct or appoint; of which Letting, Fourteen Days Notice at the least shall be given in Writing, to be affixed on all the Gates or Turnpikes which shall be then erected by virtue of this Act upon the said Roads, and by inserting the same in some publick Newspaper circulating in the Neighbourhood through which the said Roads pass; and the Monies arising thereby shall be applied in such Manner as the Tolls so let or leased are directed to be applied.

Trustees may
lease Tolls.

XXXV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make Causeways, and also Ditches and Drains in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Roads; and also to widen any Part of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, not being the Grounds whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees previous to the First Day of *January*, One thousand eight hundred and three, to be made use of as a publick Highway whilst the High Road is repairing or widening; and also by Order of any Five or more of the said Trustees to build, erect, and repair, or keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch, or Drain thereon, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace of the County or Place where such Difference shall arise at the General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left

Surveyors
may make
Causeways,
etc.

[*Loc: & Per.*]

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at his or their respective Places of Abode) shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Surveyors to
get Gravel,
etc.

XXXVI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making and repairing the said Roads, in, upon, out of, or from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, to be used in making and repairing the said Roads, without paying any Thing for the same; and to cart and carry away the same over the Lands or Grounds of any Person or Persons making Satisfaction as herein-after mentioned; such Surveyor or other Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks contiguous to that Part of the said Roads therewith to be made and repaired, or so near or so convenient as the same can be found and gotten in any private Lands or Grounds contiguous to the same Roads, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, and Materials, and for carrying the same, or the Materials gotten in any Common or Waste Grounds, Rivers or Brooks as aforesaid, over their Lands or Grounds as the said Trustees or any Five or more of them shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace of the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hear-
ing

ing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

XXXVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, or any other Statute now in being, to take and carry away Materials for the repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or Two Justices of the Peace acting for the County or Limit where such Lands are situated, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or any Five or more of them, or such Justices shall, if they think meet, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, the said Trustees or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes as if such Occupier or his Agent had attended.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupier.

XXXVIII. And be it further enacted, That if any Person whomsoever shall take or carry away Materials which shall have been digged or gathered for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on taking away Materials got by Surveyors.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and to cut down, lop, or top any Trees, Shrubs, or Buses growing or to grow on the said Roads or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House) and to take and carry away the same in

Surveyors may remove Annoyances.

case

case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees; Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after removing any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties on
obstructing
Surveyor.

XL. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person or Persons, by them or any of them, or by the said Trustees, or any Five or more of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

For securing
transient Of-
fenders.

XLI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his or their Appearance at the next Petty Session to be holden within and for the County or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justice at such Petty Session as aforesaid, it shall be lawful for the said Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction, of the same County or District, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

XLII. And

XLII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Nine or more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen, turn, or alter the Course or Path of any Part or Parts of the Roads to be made, repaired, and kept in Repair by this Act, for the Accommodation of Passengers through any private Lands, Grounds, or Hereditaments under such Terms and Satisfaction as are herein-after mentioned; and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments, through which or whereupon the said Roads hereby authorized to be made, widened, turned, or altered, are intended to pass, and to stake out and make the same in such Manner as the said Trustees or such Majority as aforesaid shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such last mentioned Lands, Grounds, and Hereditaments respectively, for any the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Power to turn and alter any Part of the Roads.

XLIII. Provided always, and be it further enacted, That in case the said Trustees, or any Five or more of them, shall at any Meeting or Meetings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands their Intention or Desire of diverting, turning, or altering any Part or Parts of the said Roads, then that Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in One of the *Manchester* Newspapers, of the Time and Place and Purpose of the said Meeting.

Thirty Days Notice to be given of diverting Roads.

XLIV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees, or any Five or more of them, to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, and Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or *Cestuique* Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof,

Trustees may purchase, and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

[*Loc. & Per.*]

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or

or for their Interest therein, for the Purposes aforesaid; and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

XLV. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any of the said Roads, and through which any of the said Roads shall be intended to be turned as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Cases the Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Derby*, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages shall be sustained by and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons as aforesaid, for or on Account of the turning such Roads through such Lands or Grounds; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they the said Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the County, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before

Sheriff to summon a Jury.

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

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

Juries may be challenged, and Sheriffs fined for Default.

XLVII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the respective Roads so to be made, widened, turned, or altered, or on the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the Trustees, for the Use of such Persons, and after One Calendar Month's Notice thereof given to such Persons, or their Agents, to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into Possession of, and to lay such Land or Ground into the said Roads, and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees or any Five or more of them shall think fit, and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes a Publick and Common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be made, repaired, and widened, are by this or any other Law to be repaired; and after any such new Road shall

Money allowed for Lands, etc. how to be charged and tendered.

shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road so to be sold as aforesaid are directed to be applied; and all Deeds of Conveyances executed by the said Trustees or any Five or more of them, and enrolled with the Clerk of the Peace for the County in which such Lands lie, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to give Power to the said Trustees, or any Five or more of them, to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or Nursery for Trees, or any Part thereof, such Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue, or Nursery, not having been made or planted within the Space of One Year immediately preceding the Commencement of this Act, without the Consent of the Owners and Occupiers thereof respectively.

How the Expences of Jury shall be paid.

XLVIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them, sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid; that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in question, (who is hereby authorized and required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be

be recovered by the Clerk to the Trustees, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

XLIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid; the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Application of Compensation where exceeding 200 l.

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians,

Application where the Compensation does not exceed 200 l. nor less than 20 l.

[*Loc. & Per.*]

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Committee

Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

LI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purpose of this Act, or the said Trustees, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Trustees not to pull down Houses, &c. without Consent *etc.*

LII. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietor thereof.

Upon Payment of Purchase Money, Conveyances to be executed.

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

or

or Persons entitled to the Premises for which such Sum or Sums of Money shall be so agreed, awarded, or adjudged as aforesaid, cannot be found in *Great Britain*, or in case by reason of Disputes depending in any Court or Courts of Law or Equity, or for Defect of Evidence, it shall not appear to the said Trustees or any Five or more of them, what Person or Persons is or are entitled to the Premises in Question, that then and in every such Case such Money shall, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons entitled to the same; and the said Money shall 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 the Dividend and annual Produce of the same Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act aforesaid; and when and so soon as the Sum or Sums of Money so to be invested in the publick Funds shall be invested therein, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever in Law and Equity, on all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

LIV. And whereas by Reason of the Purchases which the said Trustees or any Five or more of them are hereby empowered and required to make by virtue of this Act, they may happen to be seised of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

LV. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a

Persons from whom such Lands, &c. have been purchased to have the Preference.

Master

Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of Ground shall lie, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of repurchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees or any Five or more of them in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Trustees may
borrow Money
upon Mortgage
of Tolls.

LVI. And be it further enacted, That the said Trustees or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpike Gates then erected on the said Roads, and inserted in some One or more publick Newspaper circulating in the Neighbourhood through which the said Roads pass, may and they are hereby empowered from Time to Time by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll House and Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Seven or more of them shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of
Mortgage.

BY virtue and in pursuance of an Act made in the Forty-third Year of the Reign of His Majesty King George the Third, intituled, [here insert the Title of this Act] in Consideration of the Sum of

to *A. B.* the Treasurer appointed by the
 Trustees for putting the said Act into Execution, having been this
 Day paid by *C. D.* of We whose Names
 are hereunto subscribed and Seals affixed, being Seven of the said
 Trustees, do grant and assign unto the said *C. D.*
 Executors, Administrators, and Assigns, such Proportion of the Tolls
 arising upon the Roads in the said Act mentioned, and of the Turn-
 pikes and Toll Houses for collecting the said Tolls, as the said Sum of
 doth or shall bear to the whole Sum
 due and owing on the Credit of the said Tolls or charged thereupon,
 for the Term of the said Act, to have, hold, receive, and take such
 Proportion of the said Tolls, Toll Houses, and Premises, with the
 Appurtenances unto the said *C. D.* Executors,
 Administrators, and Assigns, for the Residue and Remainder now to
 come of Years, for which the said Tolls are
 granted by the said Act, subject to the Proviso following, (that is to
 say): Provided always, that if the said Sum of
 shall be repaid to the said *C. D.* Executors,
 Administrators, or Assigns, together with Interest for the same after
 the Rate of *per Centum per Annum,*
 without any Deduction whatsoever, on or before the
 Day of now next ensuing, then this Assignment
 shall be void, or else shall remain in full Force.
 In Witness whereof we have hereunto set our Hands and Seals
 this Day of

Copies of all which Mortgages or Assignments shall be entered in a Book
 or Books to be kept for that Purpose by the Clerk or Treasurer to the
 said Trustees; but nothing in this Act contained shall extend or be con-
 strued to extend to charge or subject the said Trustees, or any of them,
 or the Persons appointed to receive the said Money or any Part thereof,
 to any Payment of the same, by reason of their or any of their signing
 any such Mortgages, Assignments, or other Securities to be made in
 pursuance of this Act or any of them; and all and every Person and
 Persons to whom any such Mortgage or Assignment shall be made as
 aforesaid, or who shall be entitled to the same, or the Money thereby
 secured, is and are hereby empowered from Time to Time, by Assign-
 ment under his, her, or their Hand and Seal, or Hands and Seals, to
 be indorsed on the Back of his, her, or their Security, or by any other
 Writing or Writings under his, her, or their Hand and Seal, or Hands
 and Seals, before One credible Witness, to assign over or transfer his,
 her, or their Right to the Principal and Interest Money thereby secured
 to any Person or Persons whomsoever, all which Assignments or Transfers
 shall be produced and notified to the Clerk or Treasurer to the said
 Trustees, within Sixty Days after the Date thereof, who shall cause an
 Entry to be made of such Assignments or Transfers, containing the Dates,
 Names, and Additions of the Parties, and Sums of Money therein
 mentioned to be assigned or transferred in the said Book or Books to be
 kept for entering the said original Mortgages and Assignments, for which
 the Clerk or Treasurer shall be paid the Sum of Two Shillings and Six-
 pence and no more; and which said Book or Books shall and may, at
 all reasonable Times be perused and inspected without Fee or Reward;
 and after such Entry made, and not otherwise, such Assignment or

[*Loc. & Per.*]

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Transfer

Copies to be entered.
 Trustees not liable in their private Capacities.

Mortgages may be assigned.

Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon, and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same or any Monies due thereon.

No Priority of Mortgages.

LVII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing, or who shall have advanced any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing, or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be in Proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on this Act in equal Degree One with another.

Persons liable to the Repair of the Roads, &c. to continue so.

LVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Land, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass, shall be liable to the Repair of the said Roads, and to perform their respective Works thereon in such and the like Manner in every Respect as they are liable to the Repair of any other Common Highway within such Parish, Township, Hamlet, District, or Place respectively.

How the Statute Work shall be apportioned.

LIX. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Roads by the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass; be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, being acting Justices of the Peace for the said County of *Derby*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads hereby directed to be amended, improved, and kept in Repair, and for what Space of Time, and in what Manner the same shall be done upon the said Roads by the Inhabitants of each or any of the Parishes, Townships, Hamlets, Districts, or Places, in or through which the said Roads shall pass.

For regulating the Performance thereof.

LX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor in all the Parishes, Townships, Hamlets, Districts, or Places through which the said

faid Roads pass, shall yearly and every Year, within Ten Days after Demand made to them respectively in Writing, by the Surveyor, Clerk, or Treasurer of the said Roads, in pursuance of an Order under the Hands of Two or more of the said Trustees, being acting Justices of the Peace for the said County, give and deliver to the Person making such Demand, a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, Districts, or Places, who are by Law chargeable towards repairing the said Roads in such Parishes, Townships, Hamlets, Districts, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with, for and towards the same, and such respective Parish or Township Surveyor or Surveyors, shall (within Four Days after Notice to them given by the said Turnpike Surveyor, of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works) summon or give Notice thereof in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors, shall neglect or refuse to do as he and they is and are required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Roads, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Roads, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads, shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Roads, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

LXI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Parishes, Townships, Hamlets, Districts, or Places (the Inhabitants whereof are liable to perform Statute Work on the said Roads), to appear before the said Trustees at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by way of Composition for Statute Work in their several and respective Parishes, Townships, Hamlets, Districts, or Places (which Account shall be verified upon Oath, if the said Trustees shall require the same); and in case the Person or Persons so summoned, shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as

How Trustees
may compel
Surveyors of
Highways to
account for
Composition
Money.

aforesaid,

aforsaid, or if required to verify the same upon Oath, or to pay to the Treasurer of the said Roads, or as the said Trustees shall direct, within Five Days from the Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors, or any of them, shall have received, or without their wilful Neglect or Default might have received, that then in all or any of the said Cases, the Person or Persons so offending shall for every separate Offence forfeit and pay a Sum not exceeding Twenty Shillings nor less than Five Shillings.

Trustees may compound for Statute Work.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For recovering Composition Monies.

LXIII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees, or any Justice or Justices of the Peace for the said County of *Derby*, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Trustees or such Justice or Justices that the same hath been demanded and remains due, which Oath the said Trustees or such Justice or Justices are hereby respectively empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or of the Churchwardens, or Overseers of the Poor, or other Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

How Surveyors of Highways are to be reimbursed, and Composition Money paid by them.

LXIV. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways, Means, and in such

such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

LXV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Roads, or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Trustees may contract for Repairs.

LXVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees or any Five or more of them, they the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bona fide* out of Pocket, for or by reason of such Action or Prosecution, or any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Prosecutors and prosecuted indemnified.

LXVII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making and repairing the said Road and new Branches of Roads hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions as the said Trustees or any Five or more of them shall order

To oblige Subscribers to pay their Subscriptions.

[Loc. & Per.]

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and

and direct, and the same shall be paid to such Person or Persons as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of the said Trustees or any Five or more of them, or in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Impar lance shall be allowed.

For paying
the Expences
of this Act,
etc.

LXVIII. And be it further enacted, That out of the Monies to be received by virtue or to be borrowed on the Credit of this Act, the said Trustees or any Five or more of them shall in the first Place pay and discharge the Expences of procuring and passing this Act; and the Remainder of such Monies shall from Time to Time be applied in erecting Toll Gates or Turnpikes, Weighing Engines, and Toll Houses, and in making, repairing, widening, altering, improving, and keeping in Repair the said Roads, and in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue hereof, and to no other Use or Purpose whatsoever.

Trustees may
compound for
Penalties.

LXIX. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Trustees or any Five or more of them, from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the Whole of such Penalty or Penalties; and such Trustees or any Five or more of them may also mitigate, compound, or lessen any other the Forfeitures incurred under this Act, but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract; and all the Costs, Charges, and Expences which shall be occasioned thereby, and the Mitigation of the said other Penalties or Forfeitures shall not extend to remit above One Moiety of such Penalties and Forfeitures respectively.

Distress not
deemed un-
lawful for
want of Form.

LXX. And be it further enacted, That where any Distress shall be made for any Penalty, or 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 *ab initio* on Account of any Irregularity which shall hereafter be done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action on the Case; Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and the Defendant or Defendants in any such Action,

Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings or Orders and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, for which no particular Method of Relief hath been herein-before appointed, such Person and Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions to be holden in and for the said County of *Derby*, within Three Calendar Months next after any Order or Determination of the said Trustees or any Five or more of them; such Appellants first giving or causing to be given Six Days Notice at the least in Writing, of their or his, or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days next after such Notice given entering into Recognizance, before some Justice of the Peace for the said County of *Derby*, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in Manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of the said Justices at such Sessions or Adjournment, shall be final, binding, and conclusive.

LXXII. And be it further enacted, That the said Trustees or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and also such and so many Direction Posts as to the said Trustees or any Five or more of them shall seem meet; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow thereon, or shall cause any Damage to be done to such Footway; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree, or Piece of Timber or Stone which shall be carried upon wheeled Carriages to drag upon any Part of the said Roads, to the Prejudice thereof respectively, or shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with an Iron Rake or other Instrument with sharp Points, or shall pull or force up any

General Appeal.

Mile Stones to be set up, etc.

any Stones or other Part of the Pavement of the said Roads, whereby the said Roads or any of them shall be damaged, or shall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever upon the said Roads or any Part thereof, or shall otherwise obstruct or impede the Passage upon the said Roads, or shall turn out any Horses, Mares, Cows, or other Cattle, or Swine, upon the Roads hereby to be repaired, or any Part thereof, or in the Ditches adjoining the same, every Person so offending shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings, to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties and Forfeitures hereby inflicted.

For compelling Witnesses to attend.

LXXIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice 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; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the said County of *Derby*, or any Adjournment thereof, upon any Appeal by virtue of this Act, either upon the Part of the Appellant or Respondent, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases, every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties how to be levied and applied.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, or any Justice of the Peace of the County or Place wherein the Offender shall reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer, without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act from Time to Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and

and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offender shall reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

LXXV. And be it further enacted, That no Proceeding of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning, or in Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively, by this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or any other Court of Record in the Kingdom of *Great Britain*, any Law or Statute to the contrary notwithstanding.

Forms of Proceedings in the Schedule of 13 *Geo.* 3. to be used.

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

Limitation of Actions.

LXXVII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of Trustees, and such Orders and Proceedings, so entered and signed by the said Trustees at any Meeting of Five or more of them the said Trustees, shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book to be directed to be kept for registering the Mortgages and Assignments herein-before mentioned, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

Orders and Proceedings of Trustees to be entered.

[*Loc. & Per.*]

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LXXVIII. And

Commence-
ment and Du-
ration of the
Act.

LXXVIII. And be it further enacted, That this Act shall commence and have Continuance from the Thirteenth Day of *April* One thousand eight hundred and three, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Publick Act.

LXXIX. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a publick Act; and be judicially taken Notice of by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

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