

further continued, the Tolls increased, and some of the Powers and Provisions thereof altered, enlarged, and rendered more effectual: And where- as the Road branching out of the said Turnpike Road from *Sudbury* to *Toxall* Bridge, at or near the Village of *Draycott*, in the Parish of *Hanbury*, and leading from thence to *Stubby Lane* and *Foulford*, and to or near the Village of *Marchington*, and from thence to the Town of *Uttoxeter*, and also a certain other Road branching out of the said Turnpike Road from *Sudbury* to *Toxall* Bridge, upon or near that Part of the late Forest or Chase of *Needwood* which is called *Hadley Plain*, at the Junction of the Roads from *Uttoxeter*, *Newborough*, and *Hanbury*, with the said Turnpike Road from *Sudbury* to *Toxall* Bridge, and leading from thence to the Junction of the Roads from *Tutbury*, *Burton-upon-Trent*, *Barton-under-Needwood*, and *Abbots Bromley*, otherwise *Pagets Bromley* (all in the said County of *Stafford*) upon that Part of the said Forest or Chase which is called *Cal- lingwood* Plain, are in many Places ruinous, circuitous, narrow, and in- commodious, and the making, repairing, amending, and diverting, where necessary, of the said Two Branches of Road, will be of great public Utility, and of peculiar Advantage to the Proprietors of Lands, Parcel of the said Forest or Chase, and to the Inhabitants of the adjacent Country, by affording a nearer and more convenient Communication with the Towns of *Uttoxeter* and *Burton-upon-Trent*, and divers other Towns and Places, and an easier Conveyance of Lime and other Manure for the Cultivation and Improvement of their Lands, and for the Disposal of the Produce thereof at the neighbouring Markets: But as the same cannot be done without the Authority of Parliament; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assem- bled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, Matters and Things therein contained (except such Parts thereof as relate to Exemption from Stamp Duties, and also such as are hereby varied, al- tered, or repealed) shall be and continue in full Force and Effect, and together with this present Act, shall be put in execution for and during the Term herein-after mentioned, as fully and effectually, in all Respects and to all Intents and Purposes, as if the said Acts, and the Clauses, Powers, and Provisions therein respectively contained, were expressly repeated and re-enacted in the Body of this present Act, and as if the said new Branches of Road had been Part of the Roads included in the said Acts, but sub- ject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take effect upon the passing of this Act; and that this Act and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable in Manner herein-after directed or declared, to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Acts and of this Act, or any of them, and of all Interest due and to become due for the same respectively.

Acts further continued.

New Trustees appointed for the Sudbury District.

: II. And be it further enacted, That from and after the passing of this Act, the surviving or remaining Trustees acting under or by virtue of the said recited Acts or either of them, together with *Charles Bowyer Adderley*, *William Akers*, *Joseph Akers*, *George Alsop*, *Samuel Alsop*, *John Allcock*, the Reverend *Frederick Anson*, *John Antrobus*, *Edmund Antrobus*, the Ho-

nourable

nourable *Charles Bagot*, the Honourable and Reverend *Richard Bagot*, *Thomas Bainbrigge*, *Joseph Bainbrigge*, *John Bainbrigge*, the Reverend *Hugh Bailye*, *Richard Bateman*, *William Bate*, *Michael Bass*, *John Beresford*, the Reverend *Hugh Bennett*, *James Bell*, *Samuel Stanford Bell*, *Thomas Birch*, *James Blair*, *Thomas Bladon the younger*, *Joseph Bladon*, *William Blurton*, *John Blurton*, *William Blurton the younger*, *Robert Blurton*, *Samuel Botham*, *William Bond*, *Charles Bott*, *John Breynon*, *Charles Broadhurst*, *John Broadhurst*, *John Brown*, *John Braband*, *Francis Bradshaw*, *John Brittlebank*, the Bailiff of *Burton-upon-Trent* for the Time being, *Thomas Buckston*, the Honourable *Henry Cavendish*, *David Capewell*, the Reverend *Charles Benjamin Charlewood*, *Robert Charlsworth*, *Richard Chamberlain*, *George Chawner*, *Robert Cheney*, Cheney the younger, *Thomas Clewley*, *Hugh Mallabar Clewley*, *Michael Clewley*, *Joseph Clay*, *Edward Cope*, *Charles Gretton Cope*, *John Cox*, *Thomas Cox*, *George Cooper*, *John Cooper*, *Robert Daville*, *Robert Dale*, *Luke Deaville*, *Sir Henry Every* Baronet, *Thomas Earp*, the Reverend *William Edwards*, *William Edwards the younger*, *Joseph Eld*, *Robert Etherington*, *John Evans*, *Sir Anthony Fitzherbert* Baronet, *John Ferney*, *John Dickenson Fowler*, *Joseph Fox*, *John Fox*, *Francis French the younger*, *John Maffey Frost*, *William Garle*, the Reverend *Thomas Gell*, *James Gerrard*, *John Gisborne*, *Thomas Gisborne the younger*, *William Gill*, *Thomas Godrich*, *John Goodwin*, *Robert Docksey Goodwin*, the Reverend *Robert Greville*, *Robert Charles Greaves*, *Francis Greasley*, *Thomas Kirkpatrick Hall*, *John Hall*, *Robert John Harper*, *Thomas Hart*, *Thomas Hart the younger*, *Robert Harvey*, *Thomas Harvey*, *Enoch Hand*, *Richard Hardy*, *William Harrison*, *John Harris*, *Thomas Hinckley*, *Arthur Hinckley*, *Thomas Hinckley the younger*, *Thomas Lee Higgott*, *John Hill*, *Abraham Hoskins*, *Robert Hogg*, the Reverend *Shallcrosse Jacson*, *Godfrey Johnson*, *James Johnson*, *Clement Kynnersley*, *John Lane*, *Thomas Lack*, *Joseph Lathbury*, *Richard Lathbury*, *Samuel Lawley*, *Theophilus Levett*, *Thomas Littlewood*, *Sir Oswald Mosley* Baronet, *Ashton Nicholas Mosley*, *William Molyneux Marston*, *John Marston*, *Thomas Mallabar*, *Edward Mallabar*, *Hugo Charles Meynell*, *Richard Meek*, *William Towers Minors*, *Richard Minors*, *Peter Minors*, *Samuel Minors*, *John Mills*, *William Mott*, *John Mott*, *Thomas Morley*, *John Morley*, *Richard Morley*, *Thomas Mousley*, *John Moxon*, *Francis Mundy*, *Charles Mundy*, *William Osborne*, *John Owen*, *Charles Perks*, *John Peel*, *John Philips*, *Samuel Philips*, *Robert Philips*, *John Burton Philips*, *Thomas Phillips*, *Edward Phillips*, *Thomas Pickering*, *George Clarke Pickering*, *Humphry Pipe*, *Walter Plimley*, *Sacheverell Pole*, *William Porter*, *Joseph Pycroft*, *William Rawlins*, *Anthony Rhudde*, *Edward Riley*, *William Riley*, *Henry Richardson*, *Samuel Richardson*, *Charles Barnes Robinson*, *Thomas Robotham*, *Thomas Rogers*, the Honourable *Edward Sedley*, *George Sedley*, *Edward Saunders*, *Thomas Salt*, *Thomas Sheppard*, *Thomas Cotton Sheppard*, *John Sherratt*, *Stephen Simpson*, *John Smyth*, *John Smyth M. B.* *Charles Smyth*, *William Smith of Horninglow Street*, *Edward Sneyd*, *Thomas Sneyd*, *Francis Spencer*, *John Spencer*, *John Spender the younger*, *Robert Stone*, *James Stanley*, *William Summerland*, the Honourable *John Talbot*, *John Thorniwell*, *Michael Turnor*, *George Granville Venables Vernon*, *John Villiers*, *Charles Upton*, *William Warner*, *John Webb*, *Trevor Wheler*, *Mark Anthony Whyte*, *Thomas White*, *Benjamin Willson*, *William Willcock*, *Stephen Willcock*, *Stephen Willcock the younger*, *Robert Wood*, *John Wood*, *William Woodroffe of Marchington*, *William Woodroffe of the Forest Side*, *Joseph Woodroffe*, *Thomas Woolrich*, *William Worthington*, *George Wragg*, and *Harry Yates*,
and

For the Ut-
toxeter Dis-
trict

and their Successors to be elected and qualified in Manner directed by the said first-recited Act, shall be and they are hereby appointed Trustees for putting the said recited Acts and this Act into execution, so far as concerns the said several Roads mentioned in the said recited Acts, and thereby directed to be amended and repaired, and which said Roads shall be called *The Sudbury District of Roads*: And that the said surviving or remaining Trustees acting under or by virtue of the said recited Acts, or either of them, together with *Charles Bowyer Adderley, William Akers, Joseph Akers, George Alsop, Samuel Allsopp, John Allcock, the Reverend Frederick Anson, John Antrobus, Edmund Antrobus, the Honourable Charles Bagot, the Honourable and Reverend Richard Bagot, Thomas Bainbrigge, Joseph Bainbrigge, John Bainbrigge, the Reverend Hugh Bailye, Richard Bateman, William Bate, Michael Bass, John Beresford, the Reverend Hugh Bennett, James Bell, Samuel Stanford Bell, Thomas Birch, James Blair, Thomas Bladon the younger, Joseph Bladon, William Blurton, John Blurton, William Blurton the younger, Robert Blurton, Samuel Botham, William Bond, Charles Bott, John Breynton, Charles Broadhurst, John Broadhurst, John Brown, John Braband, Francis Bradshaw, John Brittlebank, the Bailiff of Burton-upon Trent, for the Time being, Thomas Buckston, the Honourable Henry Cavendish, David Capewell, the Reverend Charles Benjamin Charlewood, Robert Charlesworth, Richard Chamberlain, George Chawner, Robert Cheney, Cheney the younger, Thomas Clewley, Hugh Mallabar Clewley, Michael Clewley, Joseph Clay, Edward Cope, Charles Gretton Cope, John Cox, Thomas Cox, George Cooper, John Cooper, Robert Daville, Robert Dale, Luke Deaville, Sir Henry Every Baronet, Thomas Earp, the Reverend William Edwards, William Edwards the younger, Joseph Eld, Robert Etherington, John Evans, Sir Anthony Fitzherbert Baronet, John Ferney, John Dickenson Fowler, Joseph Fox, John Fox, Francis French the younger, John Masssey Frost, William Garle, the Reverend Thomas Gell, James Gerrard, John Gisborne, Thomas Gisborne the younger, William Gill, Thomas Godrich, John Goodwin, Robert Docksey Goodwin, the Reverend Robert Greville, Robert Charles Greaves, Francis Greasley, Thomas Kirkpatrick Hall, John Hall, Robert John Harper, Thomas Hart, Thomas Hart the younger, Robert Harvey, Thomas Harvey, Enoch Hand, Richard Hardy, William Harrison, John Harris, Thomas Hinckley, Arthur Hinckley, Thomas Hinckley the younger, Thomas Lee Higgott, John Hill, Abraham Hoskins, Robert Hogg, the Reverend Shallcrosse Jackson, Godfrey Johnson, James Johnson, Clement Kynnersley, John Lane, Thomas Lack, Joseph Lathbury, Richard Lathbury, Samuel Lawley, Theophilus Levett, Thomas Littlewood, Sir Oswald Mosley Baronet, Ashton Nicholas Mosley, William Molyneux Marston, John Marston, Thomas Mallabar, Edward Mallabar, Hugo Charles Meynell, Richard Meek, William Towers Minors, Richard Minors, Peter Minors, Samuel Minors, John Mills, William Mott, John Mott, Thomas Morley, John Morley, Richard Morley, Thomas Mousley, John Moxon, Francis Mundy, Charles Mundy, William Osborne, John Owen, Charles Perks, John Peel, John Philips, Samuel Philips, Robert Philips, John Burton Philips, Thomas Phillips, Edward Phillips, Thomas Pickering, George Clarke Pickering, Humphry Pipe, Walter Plimley, Sacheverell Pole, William Porter, Joseph Pycroft, William Rawlins, Anthony Rhudde, Edward Riley, William Riley, Henry Richardson, Samuel Richardson, Charles Barnes Robinson, Thomas Robotham, Thomas Rogers, the Honourable Edward Sedley, George Sedley, Edward Saunders, Thomas Salt, Thomas Sheppard, Thomas Cotton Sheppard, John Sherratt,*

Sherratt, Stephen Simpson, John Smyth, John Smyth M. B. Charles Smyth, William Smith of Horninglow Street, Edward Sneyd, Thomas Sneyd, Francis Spencer, John Spencer, John Spender the younger, Robert Stone, James Stanley, William Summerland, the Honourable John Talbot, John Thorniwell, Michael Turnor, George Granville Venables Vernon, John Villiers, Charles Upton, William Warner, John Webb, Trevor Wheler, Mark Anthony Whyte, Thomas White, Benjamin Willson, William Willcock, Stephen Willcock, Stephen Willcock the younger, Robert Wood, John Wood, William Woodroffe, of Marchington, William Woodroffe of the Forest Side, Joseph Woodroffe, Thomas Woolrich, William Worthington, George Wragg, and Harry Yates, and their Successors to be elected and qualified in Manner directed by the said first-recited Act, shall be and they are hereby appointed Trustees for putting the said Acts and this Act into Execution, so far as relates to the several Roads branching out of the before-mentioned Turnpike Road, and herein-before particularly described, and hereby directed to be made and repaired, and which new Branches of Road shall be called *The Uttoxeter District of Roads*; and the said Trustees respectively herein nominated, and their Successors, are hereby empowered to act within their respective Districts in the Execution of the said recited Acts and of this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees in and by the said recited Acts or either of them.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees for putting the said recited Acts and this Act into execution, with respect to the said new Branches of Road, or any Five or more of them, or for such Persons as they or any Five or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons in or through which the said new Branches of Road are intended to pass, to set out, form, make and complete the same, from the Road branching out of the said Turnpike Road from *Sudbury to Yoxall Bridge*, at or near the Village of *Draycott*, in the Parish of *Hanbury* aforesaid, and leading from thence to *Stubby Lane and Foulford*, and to or near the Village of *Marchington*, and from thence to the Town of *Uttoxeter*, in the said County of *Stafford*, and also from the Roads branching out of the said Turnpike Road from *Sudbury to Yoxall Bridge*, upon or near that Part of the late Forest or Chase of *Needwood* which is called *Hadley Plain*, at the Junction of the Road from *Uttoxeter, Newborough, and Hanbury*, with the said Turnpike Road from *Sudbury to Yoxall Bridge*, and leading from thence to the Junction of the Roads from *Tutbury, Burton-upon-Trent, Barton-under-Needwood, and Abbots Bromley* otherwise *Pagets Bromley* (all in the said County of *Stafford*) upon that Part of the said Forest or Chase which is called *Callingwood Plain*, and to cut and make such Drains, Gutters, and Tunnels, for draining the Lands adjoining or near such Roads, as shall be by them thought necessary or proper for draining the Water from such Roads, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the execution of the Powers to them hereby granted, and making reasonable Satisfaction to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, and Hereditaments, for all Damages which shall be sustained by executing the Powers and Authorities hereby given; and in case any Difference concerning the same shall arise between the said Trustees and such Owners or

Power to
make new
Roads.

[*Loc. & Per.*]

B b

Proprietors,

Proprietors, and Persons interested as aforesaid, that then the same shall be ascertained and settled by a Jury, in such Manner as is directed by the said first-recited Act with respect to the Valuation of Lands intended to be made Part of the said Roads therein comprized: Provided always, that nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure or damage, for the Purposes of the said Roads, or any of the Purposes aforesaid, any House or other Building, or any Land or Ground set apart or used as a Garden, Orchard, Park, or planted Avenue to a House, without the Consent of the Owner or Owners thereof, which said new Branches of Road shall be of the Width of Forty Feet.

For restrain-
ing Trustees
from deviat-
ing beyond a
certain Dis-
tance of the
Line describ-
ed in the Plan.

IV. And whereas a Map or Plan, describing the Line of the said Roads from *Draycott to Uttoxeter*, and from *Hadley Plain to Callingwood Plain*, and the Lands through which the same are to be carried, together with a Book of Reference, containing a List of the Names of the Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Stafford*, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees hereby appointed for the making of the last-mentioned Roads, in making such last-mentioned Roads, or either of them, shall not deviate more than One Hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Corporate, Politic or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may
make the
Roads
through
Grounds, al-
though the
Owners
Names are
not in the
Book of Re-
ference, &c.

V. Provided also, and be it further enacted, That it shall and may be lawful to and for the last-mentioned Trustees to make the said Roads, into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of the Lands over which the same are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Stafford*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

First Meeting
of the Trus-
tees.

VI. And be it further enacted, That the said Trustees hereby appointed for putting the said recited Acts into execution, with regard to the said Turnpike Roads directed to be made and repaired in and by the said recited Acts or any Five or more of them, shall meet at the House of *Thomas Hollis*, the *Vernon Arms* Inn, in *Sudbury*, in the said County of *Derby*, as soon after the passing of this Act as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon; and the said Trustees hereby appointed for putting this Act into Execution, with respect to the said new Branches of Road hereby directed

directed to be made and repaired, or any Five or more of them, shall meet at the House of the said *Thomas Hollis*, the *Vernon Arms Inn*, in *Sudbury* aforesaid, as soon after the passing of this Act as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, of which Meetings respectively Notice shall be given in some Newspaper circulated in the Neighbourhood of the said Roads respectively, at least Fourteen Days before each such Meeting, by One or more of the said Trustees of or for such Districts respectively, at which respective Meetings the said Trustees respectively shall proceed to the Execution of this Act, and adjourn themselves respectively from Time to Time, and afterwards meet at the said Places, or at any other Place or Places upon or within Six Miles from some Part of the said Roads respectively, as the said Trustees respectively attending such Meetings shall think most convenient, as often as it shall be necessary for putting this and the said recited Acts into Execution; and that all future Meetings of the said Trustees, respectively, shall and may from Time to Time be had, held, and adjourned by the said Trustees respectively, or by their respective Clerks for the Time being, in Manner in the said first-recited Act mentioned.

VII. And be it further enacted, That if it shall at any Time be thought necessary for the better Execution of the said recited Acts or this Act, that the Trustees for either of the said Districts respectively should meet before the Time to which any Meeting of such Trustees shall be adjourned, or in case no Adjournment shall have been made, as directed by the said first-recited Act, the Person acting as Clerk to the said Trustees of such District, upon an Order in Writing signed by any Five or more of the Trustees of or for such District, (although not assembled at a meeting,) mentioning the Time and Place of such Meeting, shall, as soon as may be, give Notice thereof by Advertisement in some Newspaper printed and circulated in the Neighbourhood of the said Roads, and in such Notice appoint a Meeting of the Trustees of such District, to be held at such Time and Place as shall be directed by such Order, (such Time not being less than Seven Days after Publication of the said Notice); and all the Acts, Orders, and Proceedings of the said Trustees respectively at such Meetings, shall be as valid and effectual as if such Meetings had been held in pursuance of a regular Adjournment.

Meetings on Emergencies.

VIII. And be it further enacted, That no Order or Determination made by the Trustees of either of the said Districts at any of their Meetings, shall be revoked or altered, unless at some Meeting to be held for that Purpose, of which Notice shall be given by Advertisement in some Newspaper printed and circulated in the Neighbourhood of the said Roads Fourteen Days at least before such Meeting, signifying the Occasion of such Meeting, nor unless a greater Number of Trustees shall attend at such Meeting to revoke and alter the same than were present when such Order was made, nor then if less than Nine Trustees attend.

No Orders of Trustees to be revoked, &c. but under certain Restrictions.

IX. And be it further enacted, That the Trustees of the said Districts respectively may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts or this Act, either in the Name of the Trustees who may be Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name

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

of

of their respective Clerk or Treasurer for the Time being; and that no Action to be brought, sued, or commenced by the Direction of or against the said Trustees in their Names, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, or Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees respectively, in case such Action shall be brought by or against or defended in the Name of such Clerk or Treasurer, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that such Trustees or Clerk or Treasurer, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Acts, or this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of the said recited Acts and this Act, all such reasonable Costs, Charges, Damages and Expences, as by the Event or in consequence of such Action or Proceeding they or he shall pay, expend, or be put unto, or become chargeable with by reason of their or his being so made Plaintiffs or Defendants, or Plaintiff or Defendant as aforesaid.

Tollgates, &c. vested in Trustees, and Indictments may be preferred in any of their Names.

X. And be it further enacted, That the Right and Property of all the Tollgates, Turnpikes and Tollhouses, and other Buildings erected or provided, or to be erected or provided, upon or at the side of or near the Roads mentioned in the said recited Acts, and in this Act, and of the Materials for building or altering the same respectively, and all Materials and other Things which shall be provided, collected or made use of for making, repairing, or improving the said Roads, or for executing the said recited Acts or this Act, shall be and the same are hereby vested in the said Trustees of the said several Districts of Roads respectively, and they respectively are hereby authorized and empowered in the Name or Names of any one or more of them, to prefer Bills of Indictment against any Person or Persons who shall steal, take away or damage any of such Tollgates, Turnpikes, Tollhouses, or other Buildings, Materials or other Things as aforesaid, or disturb the said respective Trustees, or any of them, or any of their Collectors or other Officers in the Possession thereof, or of any of them; and that it shall not be necessary in any Bill or Bills of Indictment to be preferred in pursuance of this Act, to alledge or set forth that the Goods, Chattels, or Effects therein mentioned, was, were or are the Goods, Chattels, or Effects of any other of the Trustees appointed by or by virtue of the said recited Acts or this Act other than the Trustee or Trustees who shall prefer such Bill or Bills of Indictment, or shall be therein named as Owner or Owners of such Goods, Chattels or Effects.

In Disputes about Tolls, &c. Collectors, &c. to be competent Witnesses.

XI. And be it further enacted, That in case any Dispute, Suit, Action, Prosecution or Litigation, shall happen or arise touching or in any ways relating to the Tolls to be collected on the several Roads directed to be repaired by the said recited Acts or this Act respectively, or the Recovery of the Tolls hereby granted, or of any Penalty or Forfeiture whatsoever imposed by the said recited Acts or this Act, the Person or Persons authorized, empowered or appointed to collect such Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees respectively, shall be
and

and they and each and every of them are and is hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, Action, Prosecution or Litigation, by reason of their or his being appointed to collect the said Tolls, or acting under the Authority of the said Trustees:

XII. And whereas the Tolls authorized by the said recited Acts to be taken on the Roads therein comprised have been found to be insufficient effectually to maintain and repair the same and to pay the Interest on the Money borrowed on the Credit of the said Tolls; be it therefore further enacted, That from and after the passing of this Act, the several Tolls and Duties granted and made payable under or by virtue of the said recited Acts or either of them, shall be and the same are hereby repealed; and that instead thereof there shall be demanded and taken by such Person or Persons as the said Trustees respectively shall from Time to Time authorize or appoint for that Purpose, before any Horse, Cattle, Beast or Carriage, shall be permitted to pass through any Turnpike or Turnpikes, Tollgate or Tollgates, now erected or set up, or hereafter to be erected or set up by virtue of the said recited Acts or either of them, or of this Act, on the said Districts of Roads, or either of them, such Tolls as any Five or more of the said Trustees acting for the said Districts respectively shall think proper, not exceeding the several and respective Sums of Money herein-after mentioned; (that is to say)

Repealing former Tolls, and granting new ones.

For every Horse, Mare, Gelding, Pair of Oxen, or Bullocks, or other Beast, drawing any Carriage whatever with Wheels of less Breadth than Six Inches on the Sole thereof, the Sum of Sixpence: Tolls

For every Horse, Mare, Gelding, Pair of Oxen or Bullocks, or other Beast drawing any Carriage whatever with Wheels of the Breadth of Six Inches or more on the Sole thereof, the Sum of Four-pence Halfpenny;

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Three Halfpence:

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

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

XIII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Roads mentioned in the said recited Acts and in this Act, and they are hereby authorized and required, on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on the *Sunday* Night) throughout the Year, to demand and take for and in respect of every Horse, Mare, Gelding, Ox, Bullock, Mule, Ass or other Beast, drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Swine, Sheep or Lambs, Double the Toll or Sum which may be demanded or taken for or in respect of the same on any other Day by virtue of this Act.

Double Tolls on Sundays.

Which said Tolls and Duties hereby granted shall be and the same are hereby vested in the Trustees of the said Districts respectively; and the same and every Part thereof shall, after paying the Charges of passing this Act, be subject and liable to the Payment of the Monies borrowed or due, or to be borrowed or become due on the Credit of the Tolls arising or to arise upon the Roads directed to be made, altered and repaired by virtue of the said

Tolls vested in Trustees.

[*Loc. & Per.*]

Cc

recited

recited Acts and this Act in Manner herein after mentioned, and shall be collected, recovered, levied, paid, applied, assigned, varied and disposed of in such and the same Manner, and by such and the same Ways and Means, and with the like Remedies for Non-payment or Evasion thereof, and with such Powers and subject to such Exemptions and Powers of lessening, raising the same again, and compounding for the same, as are contained in the said recited Acts, or either of them, with respect to the Tolls thereby authorized to be taken upon the Roads therein mentioned, but subject nevertheless to this Act, and the Provisions, Regulations and Restrictions herein contained, and the several Securities granted on the Credit of the said former Tolls shall be deemed and construed to extend to and embrace the Tolls hereby granted (so far as the same shall arise upon the Roads comprized in the said recited Acts) in the like Manner as if the same had been actually in being at the Time of the Execution of the said Securities, and had been actually comprized therein.

shall be
Toll
of the Road

One Toll only
to be paid on
a certain Part
of the Road.

XIV. And be it further enacted; That no Person or Persons having paid Toll at any Gate or Gates to be erected by the said Trustees of the said Roads from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, or their Successors, and producing a Ticket or Tickets denoting the Payment thereof, shall be subject or liable to pay any further Toll or Duty for passing or repassing on the same Day with the same Horses, Beasts or other Cattle, and Carriages, through the same, or any other Gate or Turnpike to be erected upon any Part or Parts of the said Roads from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, or upon that Part of the present Turnpike Road from *Sudbury* to *Yaxall Bridge*, which is situate between the Eastern Termination of the said intended Road from *Draycott* to *Uttoxeter*, and the Western Termination of the said intended Road from *Hadley Plain* to *Callingwood Plain*; any Thing in the said, recited Acts or in this Act contained to the contrary thereof notwithstanding.

shall be

Exemption
from Tolls.

XV. And be it further enacted, That from and after the passing of this Act, the Exemptions from Tolls granted and continued by the said recited Acts, or either of them, shall cease and determine; and that no Toll shall be demanded or received for any Horse, Mare, or Gelding or other Cattle drawing any Carriage going for or returning laden, or having been laden only with Stones, Gravel or other Materials, for the repairing the said Roads, or any of the Roads in the Parishes or Places in which the same or any Part thereof do lie, or any Dung, Mould, Soil or Compost of any Kind (Chalk and Lime excepted) for the manuring of any Garden or other Land or Ground; nor shall any Toll be taken, demanded or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating of any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof, or for any Plough, Harrow, Dray or other Implement in Husbandry, or for any Horse or other Beast or Cattle drawing or carrying the same, in order for the repairing thereof or for using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shod or farried; or for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Au-

authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Soliders on their March or on Duty, or Carriages, or Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers; or for any Horse, Mare, or Gelding furnished by, or for any Person belonging to any Troop or Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Troops or Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Troop or Corps respectively, at the Time of claiming such Exemptions; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes; nor shall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Parish in which any Part of the said Roads doth lie, who shall pass through any of the said Turnpikes to go to or from his, her or their respective Parish Church, Chapel, or other Place of Religious Worship on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person; or upon other his Parochial or Ministerial Duty on a *Sunday*, or on a *Christmas Day*, *Good Friday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle or Beast carrying any Passengers, or drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Derby*, or for the County of *Stafford*, on the Day or Days of such Election, or on the Day before or the Day after such Election respectively shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make Use of any Fraud whatsoever, whereby the Payment of the Tolls hereby granted, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety shall go to the Informer or Informers, and the other Moiety be applied to the Purposes of the said Acts and of this Act.

XVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads directed to be repaired or altered by the said recited Acts or this Act, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Derby* and *Stafford* respectively, with regard to their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees respectively, or by their Treasurer, Clerk, or Surveyor, by their Order respectively, yearly to adjudge and determine what Part or Portion of the Statute Work of the Inhabitants of the respective Parishes and Places in which the said Roads respectively do lie, shall every Year be done by such Inhabitants upon the said Roads respectively, and also what Proportion of the Money received by the Surveyor or Surveyors of the

Respecting
Statute Labour.

Highways

Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees respectively, or to their Treasurer or Treasurers, and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repairs of the publick Highways, and out of such Lists the said Justices shall or may allot, appoint and order such and so many of the Persons who shall appear subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work as aforesaid upon the said Roads within their respective Parishes or Places as the said Justices shall think reasonable, and the same shall be done on such Days, at such Times (not being Hay-time or Harvest) and in such Parts of the said Roads within their respective Parishes, Townships or Places, as the said Trustees respectively, or their Surveyor or Surveyors respectively shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees respectively, or their respective Treasurers, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof in like Manner as any Penalty is by the said recited Acts or this Act, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said respective Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject or liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said respective Trustees; such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees respectively, and applied towards amending the said Roads; and in case the said Surveyor or Sur-

veyors

veyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in a false or imperfect List, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XVII. And be it further enacted, That it shall and may be lawful to and for the said respective Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by him, her or them done on the said Roads, or any Part thereof, and also with the Inhabitants or Occupiers of Lands, Tenements or Hereditaments, of and in all or any of the Townships or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said respective Trustees shall think reasonable in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Township, or by the Person or Persons so compounding, to the Treasurer to the said respective Trustees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Township or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees of the said Districts respectively, or any Five or more of them, to cause Footpaths or Causeways to be made on the Side of the said Roads within their respective Districts, or any Part or Parts thereof; and if any Person or Persons shall ride upon any such Footpath or Causeway, or shall drive any Horse, Mule, Ass, Sheep, Cattle, Beast, Pig, or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Handcart thereon, or shall wilfully cause any Damage whatsoever to be done thereto, or shall lay any Timber, Hay, Straw, Dung, Compost, Ashes, Rubbish, or any other Matter or Thing whatsoever upon the Roads within either of the said Districts, or any Part thereof, or shall obstruct or impede the Passage upon the said Roads, or any Part thereof, or shall turn out any Horse, Cow, Sheep, or other Cattle, Mule, Ass or Swine, upon the said Roads, or any Part thereof, or into any Lane or Highway leading to the same (except where the said Roads, or any Part thereof, passes over any Open Common), or without Authority from the Trustees shall dig or break up the Soil or Ground of any Part of the said Roads, or scrape or carry off any of the Gravel, Materials, Mud or Dirt which shall be or lie upon any Part of the said Roads, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in such Manner as other Penalties and Forfeitures are by the said recited Acts and this Act, or any of them, directed to be recovered, levied and applied.

Power to make Footpaths; and Penalties on injuring them, or laying Timber, &c. on the Road.

XIX. And be it further enacted, That in case the Tolls arising from all or any of the Turnpike or Toll Gates, erected or to be erected on the said respective Districts of Roads, shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers to whom the said Tolls shall be respectively demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in

Trustees enabled in certain Cases to take Possession of Toll-houses, &c. in the Hands of their Lessees, &c.

[*Loc. & Per.*]

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case

case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Contract or Agreement for letting the same, or if any Collector or Receiver of the 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 Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person who shall refuse to deliver up the Possession of any Tollhouse or Tollhouses, with the Buildings or Appurtenances thereto belonging, for the Space of Seven Days next after Demand thereof made in Writing, signed by any Five of the Trustees for the District wherein such Tollhouse or Tollgate shall be situated, or by their Clerk or Treasurer, and left at such Tollhouse or Tollhouses, then and in any of the said Cases it shall be lawful for the said Trustees of such District, or any Seven or more of them, or their Clerk or Treasurer, or other Persons authorized by Writing under the Hands of any Seven or more of such Trustees, with such Assistance as shall be thought necessary, to enter into and upon the Possession of such Tollhouse or Tollhouses and other Buildings and Premises in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her or their Goods out of the same, and from the Collection of the Tolls there payable, and to put the said respective Trustees, or any of their Officers, or any other Person or Persons appointed by such Trustees, or any Seven or more of them, in Possession thereof; and on such Lessee or Lessees, Farmer or Farmers, or any Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, it shall be lawful for the said Trustees respectively, or any Seven or more of them, if they shall think fit, to vacate and determine the Contract for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void, to all Intents and Purposes, as if such Demise, Contract or Agreement had never been made (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved or made payable); and it shall be lawful for the said Trustees respectively, or any Seven or more of them in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, in the same Manner as if no former Demise, Contract or Agreement had been made or entered into relative to the same.

and vacate the Agreement for letting Tolls, and relet same.

Application of the Tolls, &c. arising on the present Turnpike Roads.

XX. And be it further enacted, That all and every Sum and Sums of Money which shall, at the Time of the passing of this Act, be in the Hands of the Treasurer of the said Trustees appointed by virtue of the said recited Acts, or which shall be due or owing to such Trustees or their Treasurer, in respect of the Tolls, Duties, or other Matters or Things relating to the said recited Acts, or either of them, and also all and every the Tolls and Duties hereafter to arise or be collected on the Roads mentioned in, and directed to be repaired by the first-recited Act, shall in the first Place be applied in Payment and discharge of One Moiety of the Expences of procuring and passing of this Act, and the Remainder of such Monies shall from Time to Time be applied in erecting or repairing Tollgates or Turnpikes and Tollhouses, and in making, repairing, widening, altering, improving, and keeping in Repair the said Roads and Works mentioned in the said first-recited Act, and defraying the necessary Expences attending the Execution of the said recited Acts and this Act, in regard

regard to such last-mentioned Roads, and in paying the Interest and Principal of any Money borrowed, or to be borrowed by virtue of the said recited Acts or this Act for the Purposes last-mentioned, with regard to the said Roads in the said first-recited Act mentioned, and to no other Use, Intent or Purpose whatsoever; and that all and every Sum and Sums of Money which hath been or shall be subscribed, lent or advanced by any Person or Persons, for the Purpose of making, repairing, widening, altering, improving and keeping in Repair the said Roads from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, and also all and every the Tolls and Duties to arise or be collected on the said last-mentioned Roads, shall in the first place be applied in Payment and Discharge of the other Moiety of the Expences of procuring and passing of this Act, and the Remainder of such last-mentioned Monies shall from Time to Time be employed in erecting and repairing Tollgates or Turnpikes and Tollhouses, and in making, repairing, widening, altering, improving and keeping in Repair the said Roads leading from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, and the Works appertaining or belonging thereto, and in defraying the necessary Expences attending the Execution of this Act, in regard to the last-mentioned Roads, and in paying the Interest and Principal of the Monies subscribed or borrowed or to be borrowed by virtue of this Act, for the Purposes last-mentioned, with regard to the said last-mentioned Roads, and to no other Use, Intent or Purpose whatsoever.

Application of the Monies subscribed, and of the Tolls to be collected on the new Branches.

XXI. And be it further enacted, That if any Person or Persons shall have acted or shall act as a Trustee or Trustees in the Execution of the said recited Acts or of this Act, for either of the said Districts, without being duly qualified so to do pursuant to the said first-recited Act, and shall be convicted of such Offence, yet nevertheless all such Acts and Proceedings as shall have been or shall be done and performed by any such Person or Persons, touching the Execution of the said Acts or of this Act, previous to his or their Conviction of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of the said first-recited Act: Provided always, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee for either of the said Districts; and that such Trustees as are or shall be in the Commission of the Peace for the said Counties of *Derby* and *Stafford* respectively, may act as Justices of the Peace, within their respective Counties or Jurisdictions in the Execution of the said recited Acts and of this Act, notwithstanding their being Trustees.

Acts done by Persons acting as Trustees (though not qualified) good, if done before Conviction.

Mortgagees may act as Trustees.

Trustees in the Commission of the Peace may act as Justices.

XXII. And be it further enacted, That it shall be lawful for the said Trustees of the said Roads from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, or any Seven or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding Four thousand Pounds, upon the Credit of the Tolls arising upon the said Branches of Road from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, or any Part or Parts thereof, and by any Writing or Writings under their Hands and Seals, to assign over the said Tolls, and the Tollgates and Tollhouses respectively, with the Appurtenances (the Charge of such Assignments to be paid out of the said Tolls) to any Person or Persons for any

Power to borrow Money.

any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with lawful Interest, as the said Trustees shall think proper; which said Monies so borrowed shall be applied and disposed of in such Manner as the Tolls arising within such District are herein directed to be applied and disposed of; and Copies of such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all reasonable Times be perused and inspected by the said Trustees or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her or their Right, Title, Interest or Benefit in or to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever; but each Transfer shall be produced and notified to the said Clerk or Treasurer within Six Calendar Months after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and the Sums of Money thereby transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and such Transfer shall then entitle such Assignee, his, her or their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last assigned) to make void, release, or discharge the original Securities, or any Monies thereby due or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act, shall, in proportion to the Sum or Sums of Money therein mentioned, be Creditors on the Tolls by this Act granted, and comprized or intended or declared by this Act to be comprized in such Mortgages respectively, in equal Degree one with another, and shall have no Preference in respect of the Priority of the Time of advancing any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

Conveyances,
&c. to be re-
gistered in a
Book.

XXIII. And be it further enacted, That all Conveyances of Lands and Hereditaments, to be purchased by virtue of the said recited Acts or of this Act, and Memorials of all the Verdicts of Juries and Judgments of the respective Trustees concerning the Value thereof, which shall be ascertained by any Jury or Juries in the Manner in the said first-recited Act mentioned, shall be entered in some Book or Books of the said Trustees respectively; and that after the Execution of such Conveyances, and giving such Judgment of the said Trustees respectively, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Value of any Lands (the Value whereof shall be assessed or ascertained by any Jury or Juries) to the Person or Persons entitled to the same, or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the Clerk of the Peace for the County in which such Lands or Hereditaments shall be situate, or his Deputy, for the Use or Uses of the Person or Persons entitled thereto, it shall be lawful for the said respective Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands or Heredita-

ments shall from thenceforth for ever afterwards be deemed, taken and used as a public Highway or Public Highways to all Intents and Purposes.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees respectively to sell and dispose of any Land which they have purchased or may purchase, over and above what may be necessary for the Purposes of the said recited Acts and this Act, and also such Piece or Pieces of Land as shall have been used for any public Highway (save as in the said first recited Act mentioned with regard to a certain Driftway or Road situated in the Parish of *Cubley* in the said County of *Derby*), which hath been or may be rendered unnecessary by the making, altering, or diverting of the present Turnpike Roads, or of the said Roads from *Draycott* to *Uttoxeter*, and from *Hadley Plain* to *Callingwood Plain*, and authorized by the said recited Acts or this Act to be stopped up, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided, that the said Trustees respectively, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall have been rendered useless by the stopping up of any Road or Roads as aforesaid, then to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree, except with respect to and on account of the Price thereof, as herein-after mentioned, or shall refuse, except with respect to and on account of the Price thereof, to purchase or repurchase the same respectively, of which Offer, Nonagreement and Refusal, an Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery (who is hereby empowered to administer the same) by some Person or Persons not interested in the said Piece or Pieces of Land, stating that such Offer was made by or on the Behalf of the said Trustees, and was not then and thereupon agreed to or was refused, shall be sufficient Evidence in all Courts whatsoever; and in case such Person or Persons shall be desirous of purchasing or 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 such Price or Prices shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Lands to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-after directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by such Sale or Sales which may be made by the said Trustees as aforesaid shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Monies.

Trustees may sell.

XXV. And be it further enacted, That in case any Jury to be summoned and impannelled in pursuance of the said recited Acts or of this Act, for the Purpose of ascertaining the Value of any Lands, Grounds, Tenements, or Hereditaments, or any Loss or Damage sustained or to be sustained by any Person or Persons whomsoever, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest or Property, of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them

Expences of Jury and Witnesses, how to be paid.

[*Loc. & Per.*]

E. e.

sustained,

sustained, than what shall have been agreed to and offered by the said Trustees respectively before the summoning and returning the said Jury, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees respectively, out of the Monies arising by virtue of this Act; and 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, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any Rights, Interests or Property, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said respective Trustees shall have such Controversy or Dispute, which said Costs and Expences, after the same shall have been ascertained and settled by some Justice of the Peace for the County wherein such Jury shall be summoned or impannelled, not interested in the Matter in question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and paid for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes, to be a Payment and Tender of the whole Sum so assessed and adjudged, or otherwise such Costs and Expences, in case the same shall not be paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk of the said Trustees respectively by such Ways and Means as are herein-after provided for recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees respectively, such Costs and Expences shall be borne and paid by the said respective Trustees in Manner aforesaid.

Application
of Compen-
sation Money
where ex-
ceeding 200l.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken or used by virtue of the Powers of the said recited Acts or of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said first-recited Act is particularly mentioned, such Money shall, in case the same shall amount to 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 respective Trustees for executing the said recited Acts and 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 who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands 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

Lands 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 and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court or Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVII. Provided always, and be it further enacted, That if any Money, so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents or Profits of the Lands or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in 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 Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case 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 200l. and not less than 20l.

XXVIII. 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 Lands, Tenements, or Hereditaments so purchased, taken or used for the Purposes of the said recited Acts or of this Act, in such Manner as the said Trustees 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.

Application where the Money is less than 20l.

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid

In case of not making out Titles;

or if Persons
cannot be
found. Pur-
chase Money
to be paid
into the Bank;

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

asore said shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees respectively, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as asore said cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said respective Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as asore said.

Respecting
disputed
Titles.

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

The Court of
Chancery may
direct Pay-
ment of Ex-
pences.

XXXI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchased under the

the

the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said recited Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXII. And be it further enacted, that the said Trustees respectively, at any Meeting to be held, whereof Notice in Writing, specifying the Time and Place and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Tollgates or Turnpikes then erected by virtue of this Act within the said Districts respectively, and inserted in some Newspaper circulated in the Neighbourhood of such Roads, at least Seven Days previous to the Time when such Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the respective Revenues arising by virtue of this Act, against the Inhabitants of all or any of the Parishes or Places through which the said Roads or any of them do or shall pass, and against the Hundred liable to repair Bridges, who shall have neglected or refused respectively to repair the same.

Trustees may direct Prosecutions at the Expence of the Tolls.

XXXIII. And be it further enacted, that the said respective Trustees may, and they are hereby empowered, from Time to Time to contract and agree with any Person or Persons for making, repairing, widening, altering, turning or amending the said Roads within their respective Districts, or any Part or Parts thereof, or for doing any other Work to be done in the Execution of the said recited Acts or of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees respectively shall think proper; and that all Contracts and Agreements in Writing entered into, pursuant to an Order made at any Meeting of the said Trustees respectively, shall be binding on the said respective Trustees and their Successors, and also on all other Persons who shall sign the same, his, her or their Executors and Administrators respectively, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing of the Roads.

XXXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause or procure or promote to be assaulted, interrupted or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or other Person or Persons by them or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings.

Penalty on obstructing the execution of this Act.

XXXV. And whereas Persons guilty of Offences against the said recited Acts and this Act may be transient Persons, unknown to the Collectors, Surveyors,

Power to detain Persons guilty of Offences.

[Loc. & Per.]

Ff

Surveyors,

Surveyors or other Officers, under the said recited Acts or this Act; be it therefore enacted, That it shall be lawful for any Collector or Farmer of the Tolls, or for any Surveyor or other Officer duly authorized or appointed by the said Trustees respectively, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her or them before One or more Justice or Justices of the Peace for the County wherein such Offence shall be committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her or their Appearance at the next Petty or Special Sessions to be holden for the Division or Place where such Offence or Offences shall have been committed, and on such Conviction, or for Want of sufficient Security, to commit the Person or Persons so offending, to the House of Correction for the County wherein such Offence shall be committed, for any Time not exceeding Three Calendar Months, or until he, she or they shall pay the Penalty by him, her or them incurred for such Offence or Offences, or shall give such Security as aforesaid.

Penalties may be recovered (where other Proceedings not directed) before Justices of the County wherein the Offence shall be committed.

XXXVI. And be it further enacted, That when any Penalty by the said recited Acts or by this Act imposed shall be incurred, or any Offence by the said recited Acts or this Act created shall have been committed, the Method of Proceeding in respect to which is not herein-before or in the said recited Acts particularly directed, any One of His Majesty's Justices of the Peace for the County wherein such Offence shall be committed, may and he is hereby required, upon Complaint and Information to him thereof made, to summon before him the Person or Persons against whom such Complaint or Information shall be made, to answer the Matter thereof, and at the Time and Place appointed by such Summons, the Person or Persons complained of or informed against appearing before such Justice, or in case of his or their not appearing (except for some reasonable Excuse), Proof being made upon Oath before the said Justice of the personal Service of such Summons, or that a Duplicate or true Copy of the same was left at the Dwelling-house or last known Place of Abode of such Person or Persons, the said Justice may and is hereby required, whether the said Person or Persons complained of or informed against do or do not appear, to proceed to examine the Merits of such Complaint and Information; and if such Offence or Offences shall be confessed by the Person or Persons so complained of and informed against, or be duly proved to the Satisfaction of such Justice by the Testimony of One or more credible Witnesses or Witnesses upon Oath, such Justice may and is hereby required forthwith to convict such Offender or Offenders, and to adjudge him or them to pay such Penalty or Penalties as he or they shall be therefore liable unto by virtue of the said recited Acts or of this Act; and if such Penalty or Penalties shall not be immediately paid, in case such Offender or Offenders appear personally to answer such Complaint or Information, or in case of his or their Non-appearance to answer such Complaint or Information within Seven Days after Notice of such Conviction given to such Offender or Offenders, or left at his, her or their Dwelling-house or last known Place of Abode, and Proof thereof and of the Nonpayment of such Penalty or Penalties made to such Justice upon Oath, such Justice shall and

he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made in pursuance of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice; and in case such Penalty or Penalties, and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith and immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless the said Penalties and such Costs and Charges as aforesaid shall be sooner paid, or such Offender or Offenders shall have compounded for the same with the Trustees of the District wherein such Offence shall be committed, and shall have paid such Composition, which the said Trustees respectively are hereby empowered to make and accept.

XXXVII. And be it further enacted, That Convictions for Offences against the said recited Acts or either of them, or against this Act, may be drawn up in the following Form, or to the like Effect; (that is to say),

Form of
Conviction!

“ County of } “ **B**E it remembered, That on the [*here insert the Day of*
 } “ *the Month and Year of our Lord, and of the King’s*
 “ *Reign, and the Name of the Offender*] is convicted before me
 “ One of His Majesty’s Justices of the
 “ Peace for the County of _____ on his own Con-
 “ fession [*or, on the Oath of _____ a credible*
 “ *Witness, as the Case may be*] of [*here specify the Offence, and the Time*
 “ *and Place when and where the same was committed*] contrary to an Act
 “ passed in the _____ Year of the Reign of King
 “ *George the Third, intituled, [here insert the Title of this Act, or of the*
 “ *said recited Act of Sixth George the Third, or otherwise as the Case may*
 “ *be*]. And I the said Justice do adjudge the said
 “ to have thereby incurred the Penalty of _____
 “ to be paid, recovered and applied in Manner directed by the said Act
 “ [*or by the said recited Act of Sixth George the Third, or otherwise, as the*
 “ *Case may be.*] Given under my Hand and Seal the Day and Year first
 “ above written.”

Which Conviction shall be valid and effectual in Law to all Intents and Purposes.

XXXVIII. And be it further enacted, That the several and respective Persons who have subscribed or may subscribe Money for and towards making, repairing and improving the said Roads respectively, or any of them, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time or Times, and to such Person or Persons as the said Trustees respectively shall from Time to Time, 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 in Manner aforesaid, it shall be lawful for the said Trustees respectively

Subscribers
to pay their
Subscription
Money.

respectively to sue for and recover the same, either in their own Names or in the Name of the Clerk or Treasurer to such Trustees, in any of His Majesty's Courts of Law at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparance shall be allowed.

Public Act.

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

Continuance
of this Act.

XL. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) and this Act, shall continue and be in Force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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