ANNO PRIMO

GEORGII IV. REGIS.

* *

Cap. iii.

An Act for enlarging the Term and Powers of Two Acts of His late Majesty King *George* the Third, for repairing the Road from the *Moot Hall,* in *Wirksworth,* to the Turnpike Road leading from *Derby* to *Brassington;* and from the said *Moot Hall* to another Turnpike Road leading from *Wirksworth Moor* to *Matlock Bath,* at or near to the *Steeple House* in *Wirksworth* aforesaid, all in the County of *Derby.* [6th *June* 1820.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the* Moot Hall *in* Wirksworth, *to the Turnpike Road leading from* Derby *to* Brassington, *at or near to a Place called* The Cross in the Hand, *on* Hulland Ward; *and also the Road from the said* Moot Hall *to another Turnpike Road leading from the Cross Post on* Wirksworth Moor *to* Matlock Bath, *at or near to a Place called the* Steeple House, *in the Township of* Wirksworth *aforesaid, all in the County of* Derby: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act passed in the Thirty-third Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for repairing and widening the* '*Road from the* Moot Hall, *in* Wirksworth, *to the Turnpike Road leading* 33 G. 3. c. 152. 42 G. 3. c. 99.

'*from* Derby *to* Brassington, *at or near to a Place called* The Cross 'in the Hand, *on* Hulland Ward; *and also the Road from the said* 'Moot Hall *to another Turnpike Road leading from the Cross Post on* 'Wirksworth Moor *to* Matlock Bath, *at or near to a Place called the* 'Steeple House, *in the Township of* Wirksworth *aforesaid, all in the County* '*of* Derby:' And whereas the Trustees acting under and by virtue of the said recited Acts have made great Progress in the Repair of the said Roads, and for that Purpose have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due, together with a considerable Arrear of Interest, and cannot be repaid, nor the said Roads effectually amended, improved, widened, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers thereof altered, amended, and enlarged, and some of the present Tolls increased: 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 assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein respectively contained (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and, together with this present Act, shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all Respects, and to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this Act; which said additional Term hereby granted shall and is hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls and Duties arising upon the said Roads, and of such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes of the said recited Acts and this Act, and all Interest due and to grow due thereon respectively.

Former Acts further continued.

II. And be it further enacted, That from and after the passing of this Act the several Justices acting in the Commission of the Peace for the County of *Derby*, and *John Andrew, Peter Arkwright, Charles Arkwright, John Arkwright, John Alsop* the younger, *Luke Alsop, Robert Blackwall* the younger, *William Bradshaw, Robert Cresswell, Samuel Dean,* Major *Thomas Gell, John Gell, Greatorex, Thomas Hall, Stephen Hall, Nathaniel Hall, Edmund Hodgkinson, Richard Hurt, Francis Hurt* the younger, *John Heap, Nathaniel Hill, Edward Hurt, John Hurt, James Hurt, Charles Johnson, James Northage James, Benjamin Johnson, George De Smith Kelly, George Kelly, William Nuttall, Thomas Poyzer, John Poyzer, James Oldham Swettenham, Francis Shaw, Samuel Saint, Samuel Simpson, John Simpson, William Statham* the younger, *Isaac Statham, Thomas Tomlinson, William Taylor, Richard Taylor, Jasper Wager, Daniel Wilson, John Wilson, William White, Charles Wright, William Swymmer Leacroft,* and *Joseph Wilshaw,* together with Ten other Persons, to be named as Trustees at the First or any other Meeting to be holden under this Act, and their Successors, shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Acts for putting the said recited Acts and this Act into Execution, and shall have the like Powers for that Purpose as

Additional Trustees.

as if they had been named and appointed in or by virtue of the said recited Acts, or either of them.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts or this Act, unless at the Time of his acting 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, Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate, Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate to the Amount or Value of Four thousand Pounds; any thing in the said recited Acts contained to the contrary thereof notwithstanding: Provided nevertheless, that all the Acts and Proceedings of any such Person acting, or who shall act in the Execution of the said recited Acts or this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; provided also, that every Person before he acts as a Trustee in the Execution of the said recited Acts, or this Act, shall take and subscribe the following Oath or Affirmation, before any Two or more of the said Trustees, who are hereby empowered to administer the same, in the Form or to the Effect following: **Qualification of Trustees.**

'I do swear [*or*, being one of the People called *Quakers*, do solemnly declare and affirm], That I am in my own Right [*or*, in the Right of my Wife], in the actual Possession or Receipt of the Rents and Profits of Freehold [*or*, Copyhold] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or*, Heir Apparent of a Person seised of an Estate of Freehold [*or*, Copyhold] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds,] [*or*, possessed of a Personal Estate of the Amount or Value of Four thousand Pounds], [*as the Case may be*]; and that I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts, Powers, and Authorities reposed in me as a Trustee, under and by virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled, [*here insert the Title of this Act.*] So help me GOD.' **Oath.**

IV. And be it further enacted, That the several Tolls now payable upon the said Roads by virtue of the said recited Acts shall, from and after the passing of this Act, cease and be no longer payable; and that instead thereof, the following Tolls shall be demanded and taken at each and every of the Toll Gates erected, or to be erected, under the Authority of the said recited Acts, or this Act; (that is to say), **Present Tolls to cease and new ones granted.**

For every Horse, Mule, or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricle, Caravan, Chair, Gig, or other such Carriage, Hearse, or Litter, the Sum of Four-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbrel, or other such like Carriage, the Wheels whereof shall be of the Breadth of Six Inches or upwards, the Sum of Three-pence; and of less Breadth than Six Inches, the Sum of Four-pence:

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

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

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

No more than Two full Tolls to be taken in one Day.

V. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes erected, or to be erected, upon the said Roads; and that all and every Person and Persons having paid such respective Tolls, and producing a Ticket or Tickets denoting the Payment thereof, shall afterwards be allowed to pass or repass during such Day, with the same Horses, Beasts, Cattle, and Carriages, Toll-free, through all such Toll Gates or Turnpikes.

Tickets to be delivered.

VI. And be it further enacted, That upon Payment of any of the Tolls granted and made payable by virtue of this Act, the Collector or Receiver shall and is hereby required to deliver *gratis* to the Person paying such Toll, a Ticket denoting such Payment, and which Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought under the Provisions of this Act to be passed free for one Payment of Toll.

For settling Disputes respecting Tolls.

VII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due or the Charges of keeping any Distress that may be made under the Powers of the said recited Acts, or this Act, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), till the Amount of the Tolls due and the Charges of the Distress and Sale and of keeping the Distress (as the Case may happen), be ascertained by one or more Justice or Justices of the Peace for the County of *Derby*, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (if any), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Surplus (if any) on demand, after deducting such Costs and Charges and the Costs and Charges of making such Distress, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Collectors of Tolls not to be deemed incompetent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls or any of them, or to the Recovery of any of the Penalties by the said recited

recited Acts or this Act imposed, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls or acting as aforesaid.

IX. And be it further enacted, That all and every Toll Collector, appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any or either of them, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on coming upon Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he or she shall be authorized to do by virtue of the Powers of the said recited Acts or this present Act, or either of them, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate or several Gates freed by such Payment, or make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case, every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, paid, and applied in such and the same Manner as other Penalties are by the said recited Acts or this Act, or any or either of them, directed to be levied, recovered, paid, and applied.

For punishing Collectors for Misconduct.

X. And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or in going to carry or convey, or returning empty from carrying or conveying on the same Day, any Stone, Brick, Gravel, or other Materials for repairing the said Roads, or for repairing the Highways in any Township or Place through which or into which any Part of the said Roads pass, or laden only with Dung, Marle, Soil, or other Manure (Lime excepted) to be used in manuring of Lands or Grounds, or with any Grass, Hay, Clover, Fodder of any Sort, Straw, or Corn in the Straw, not sold or disposed of or going to be sold or disposed of, but to be laid

Exemptions from Tolls.

up in any of the Houses, Out-houses, Yards, Barns, or Premises of any of the respective Inhabitants or Occupiers of Land within the said respective Townships or Places; nor for any Cattle drawing, or going with, or going empty, or returning empty, after being laden only with any Ploughs, Harrows, or other Implements of Husbandry belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle going to and from Water, Pasture, or Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Townships or Places, or going to be or returning from being shoed or farried; and that no Toll shall be taken for any Waggon, Wain, Cart or other Carriage, Horse, Mule or Ass, which shall be going unladen or empty for, or which shall be laden with Lead Ore only, or Lapis Calaminaris only; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his Sick Parishioners, or of or from any Person or Persons in any of the said Townships or Places, or the Township or Place next adjoining, for passing through any of the said Toll Gates or Turnpikes on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, to or from his, her, or their proper Parochial Church or Chapel, or other usual Places of Religious Worship tolerated by Law, for the Purpose of attending or returning after having attended Divine Service thereat; or for any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from carrying or guarding the same; or any Horses or Carriages attending His Majesty or any of the Royal Family; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, or Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskeys, Chairs, or other Carriages, or Passengers on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Derby*, or a Burgess to serve in Parliament for the Town of *Derby* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds,

Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

XII. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One-fourth Part of the Tolls by this Act granted.

Abatement of Toll in certain Cases.

XIII. Provided always, and be it further enacted, That the said Trustees, at any Meeting for letting the said Tolls, shall be entitled to One Bidding for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them respectively authorized; and in case the said Tolls shall be knocked down to the said Trustees or their Appointee, they may then proceed in putting up the said Tolls by Auction for such less Sum of Money as they shall think proper, any thing in any Law or Statute to the contrary thereof notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

For reletting the Tolls.

XIV. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action or Ejectment may be supported by One Mortgagee.

XV. And

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

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

Clerk restrained from acting as Treasurer, and vice versa.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act or the said recited Acts, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Road not to be deviated more than One hundred Yards.

XVII. And be it further enacted, That the said Trustees, in altering or improving any Part of the said Roads under or by virtue of the said recited Acts or this Act, shall not deviate more than One hundred Yards from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Déviation shall be made.

Repealing Clause of the Guarantee given to the Trustees of the old Road from Wirksworth by Duffield to Derby; and

XVIII. And whereas an Act was passed in the Twenty-ninth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the* White Stoop *near the North End of the Town of* Derby, *through the Towns of* Duffield *and* Chesterfield *in the County of* Derby, *to the Town of* Sheffield *in the County of* York, *and from the said Town of* Duffield *to the* Moot Hall *in the Town of* Wirksworth *in the aid County of* Derby: And whereas at the Time of passing the said first recited Act of the Thirty-third Year of the Reign of His late Majesty

Majesty King *George* the Third, it was apprehended that when the Roads thereby directed to be repaired were completed, the annual Amount of the Tolls collected under the Powers of the said now recited Act, upon the Road from the Town of *Duffield* to the Town of *Wirksworth*, and likewise the annual Surplus of the Tolls collected upon the Road from the Town of *Duffield* to the Town of *Derby* (One Fifth Part of which last-mentioned Tolls was by the said now recited Act, and still is applicable towards repairing the said Road from *Duffield* to *Wirksworth*), would be diminished; and it was therefore considered reasonable that a Recompence should be made for the same, if such Diminution should happen, for which Purpose it was by the said first recited Act of the Thirty-third Year of the Reign of His late Majesty enacted, that in each and every Year when the Tolls collected upon the said Road from *Duffield* to *Wirksworth*, and the said Fifth Part of the Surplus of the Tolls to be collected between *Derby* and *Duffield* (as particularly set forth in the Act now recited) should amount to less than One hundred and forty-five Pounds Seven Shillings and Eleven-pence (which the same had annually produced on an Average of the then last Seven Years), the Treasurer to the Trustees for executing the said first recited Act of the Thirty-third Year of the Reign of His said late Majesty should annually pay to the Treasurer of the Trustees under the said now recited Act, so much Money as would make the Produce of such Tolls and Surplus amount to the said Sum of One hundred and forty-five Pounds Seven Shillings and Eleven-pence, to be stated and settled in the Manner directed by the said first recited Act: And whereas it has been agreed by and between the said respective Trustees, that instead of the before mentioned estimated Sums paid by the Trustees for executing the said first recited Acts to the Trustees under the said now recited Act, the annual Sum of Twenty Pounds shall hereafter be allowed; be it therefore enacted, That from and after the passing of this Act the said estimated annual Payment shall cease and be no longer paid or payable, and that instead thereof, the annual Sum of Twenty Pounds shall be paid by the Treasurer to the Trustees for executing the said first recited Acts and this Act, to the Treasurer to the Trustees under the said now recited Act; and in case of Nonpayment thereof, or of any Part thereof, the same shall and may be recovered in such Manner and by the same Ways and Means as were provided by the said first recited Act for the Payment and Recovery of the estimated Sums thereby directed to be paid.

For fixing an annual Payment of 20l. in lieu thereof.

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tene-

Directions in cases of not making out Titles.

ments or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XX. Provided always, and be it further enacted, That when 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 High Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or for any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments purchased in pursuance of the said recited Acts or this Act, 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 shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery may order Trustees to pay Expences.

XXI. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any

Three

Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Derby*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners or Occupiers, or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance of such Notice, and shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier had attended; any thing in the said recited Acts or this Act contained to the contrary thereof notwithstanding.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Roads.

XXIII. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby, to the Owners or Occupiers of such Lands or Grounds, where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Roads shall be carried, according to their respective Rights and Interests in such Lands or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning the Value of such Materials or such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gathered, taken, and carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

Satisfaction for Materials and Damages.

XXIV. Provided always, 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 said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Derby*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees,

Respecting Statute Work.

Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Townships or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township 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 or their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Township or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Township 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 is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors 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 Surveyor or Surveyors of any such Township or Place, to be by him or them paid to the said Trustees or their Treasurer, 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 either of them, 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work upon the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall

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, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Townships or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Monies, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Statute Work.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and 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 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 Officer of the Township, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants or Occupiers of such Township or Place shall not be permitted to compound for that Year.

Gates not to open or swing into the Roads.

XXVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining to any Part of the said Roads, shall be so made and hung as to open and swing inward into such Field or Ground, and not outward towards the said Roads; and it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected or may hereafter be erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inward as they the said Trustees, or any Five or more of them, shall think proper; and if any Occupier or Occupiers of Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads requiring him, her or them to alter such Gate or Gates, and make the same to open and swing inwards) refuse or neglect to make such Alteration, or after such Alteration shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, paid, and applied in Manner directed by the said recited Acts or this Act, or any or either of them.

Power to make Footpaths, &c. and Penalty on pulling up or damaging

XXVII. And be it further enacted, That it shall and may be lawful for the said Trustees or their Surveyor or Surveyors, or such other Persons as the said Trustees shall appoint, to make Footpaths or Causeways along the Side or Sides of the said Roads, and to place Posts, Rails, and Stones, or

Milestones, and on Persons injuring the Roads or committing Nuisances thereon.

or any or either of them, upon or by the Side or Sides thereof; and that if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Turnpike Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall suffer any Horse or other Beast or Cattle, Pig, or Swine to graze or stray upon the said Roads, or on the Footpath or on the Side or Sides thereof; or shall ride upon any Footway or Causeway formed upon or on the Side of or adjoining to the said Turnpike Roads; or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Turnpike Roads any Timber or Stone or other Thing (otherwise than upon wheeled Carriages) or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Turnpike Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Turnpike Roads shall suffer them to root up or damage the same, or the Fences on either Side thereof; or if the Driver of any Waggon, Cart, Dray, Sledge or other Carriage, used for the Carriage of Goods or Merchandize, shall ride on the Shafts or other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Turnpike Roads; or if any Person driving any Coach, Chaise, or other such Carriage upon the said Turnpike Roads, shall drive the same without holding the Reins; or if any such Person meeting another Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Turnpike Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage, under his or her Care upon the said Turnpike Roads; or if any Person shall make or assist in making any Fire or Fires, or set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, upon or within Sixty Feet from the Centre of the Roads, or play at Football or any other Game to the Annoyance of any Passenger or Passengers on any Part of the said Turnpike Roads; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Turnpike Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up as near to the Side of the said Roads as conveniently may be; or shall wilfully or negligently lay or scatter any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Turnpike Roads, or on the Side or Sides thereof, between the said Turnpike Roads and the Fences now standing or hereafter to be erected on the Sides thereof; or if any Person after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Turnpike Roads the Stone or other Thing used in such blocking; or if any Person shall plough, dig, or break up any of the Soil between any Part of the said Turnpike Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Turnpike Roads or the Sides thereof, or shall take up and carry

carry away any of the Scrapings thereof, without Leave of the said Trustees or their Surveyor or Surveyors; every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Manner directed by the said recited Acts.

For securing transient Offenders.

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

For paying the Expences of this Act.

XXIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Trustees, or any Five or more of them, out of the first Money which shall arise by virtue of the said recited Acts and this Act, together with lawful Interest from the Time of advancing or disbursing the same.

Public Act.

XXX. 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 and Term of Act.

XXXI. And be it further enacted, That the Term granted by the said recited Acts shall, on the passing of this Act, cease and determine; and the said recited Acts (subject to the Alterations, Variations, and Additions, herein-before contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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