



ANNO QUARTO

GEORGIIV. REGIS.

Cap. xxviii.

An Act for more effectually repairing the Road leading from the Turnpike Road near the West End of the Town of *Chesterfield* to *Matlock Bridge*; and also the Road leading out of the said Road over *Darley Bridge* to *Cross Green*; and also the Road leading out of the last-mentioned Road to the Turnpike Road near *Rowesley Bridge*, all in the County of *Derby*. [12th May 1823.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King George the Second, intituled *An Act for repairing and widening the Road from the Turnpike Road near the West End of the Town of Chesterfield to Matlock Bridge; and also the Road leading out of the said Road over Darley Bridge to Cross Green; and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowesley Bridge in the County of Derby:* 33 G. 2. c. 39. And whereas an Act was passed in the Twenty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-third Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Road from the Turnpike Road near the West End of the Town of Chesterfield to Matlock Bridge; and also the* 21 G. 3. c. 81.

[Local.] 7 E ' Road

42 G. 3. c. 7. *‘ Road leading out of the said Road over Darley Bridge to Cross Green; and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowesley Bridge in the County of Derby:’* And whereas an Act was passed in the Forty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, and the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the Road leading from the Turnpike Road near the West End of the Town of Chesterfield to Matlock Bridge; and also the Road leading out of the said Road over Darley Bridge to Cross Green; and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowesley Bridge, all in the County of Derby:* And whereas 3G. 4. c. 126. an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England:* And whereas the Trustees for executing the said Three first recited Acts have made great Progress in repairing the Roads thereby directed to be repaired, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which, together with a large Arrear of Interest, still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term granted and continued by the said Three first recited Acts be further continued; and it would be more convenient if the said Three first recited Acts were repealed, and other Powers and Provisions granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Thirty-third Year of the Reign of His said Majesty King George the Second, and the Twenty-first and Forty-second Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and that this Act shall commence and take Effect in lieu and instead thereof; and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, diverting, widening, improving, and keeping in Repair the Road from the Turnpike Road near the West End of the Town of *Chesterfield* to *Matlock Bridge*, and also the Road leading out of the said Road over *Darley Bridge* to *Cross Green*, and also the Road leading out of the last-mentioned Road to the Turnpike Road near *Rowesley Bridge* in the County of *Derby*.

The said Three first recited Acts repealed.

This Act liable to the Payment of Money borrowed under the said former Acts.

II. And be it further enacted, That this Act, and the Term and the Tolls hereby granted, shall and are hereby declared to be subject and liable to the Payment of all the respective 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 last recited Act and of this Act, and all Interest due and to grow due for the same respectively.

III. And

III. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters and Things contained in the said recited Act, passed in the Third Year of the Reign of His said present Majesty, shall extend, and be deemed, construed, and taken to extend to this Act, in as full, large and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are or any Part thereof is expressly varied, altered, or repealed by this Act.

Extending
the Powers
of the Act
3 G. 4. c. 126.
to this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said Three first recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds,
Agreements,
&c. under
the former
Acts to be
good under
this Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Books used
under former
Acts to be
Evidence.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of Derby, together with *William Ashby Ashby, Richard Arkwright, Richard Arkwright the younger, Robert Arkwright, Peter Arkwright, John Arkwright, Charles Arkwright, Joseph Arkwright Clerk, Shukburgh Ashby, Frederick Arkwright, John Carver Athorpe, Alexander Bossley, John Barker, Edward Barker, John Barker Clerk, John Mellor Brown, William John Bagshaw, John Gorell Barnes, John Bunting, D'Ewes Coke, John Charge, Gilbert Crompton, Richard Calton, Charles Clarke, John Collar, Josiah Claughton, William Carliell, Henry Dixon, Samuel Dixon, Richard Dixon, Vincent Eyre, Francis Eyre, Sir Henry Fitzherbert Baronet, Charles Dakeyne Gladwin, Joseph Gratton, Joseph Gratton the younger, Thomas Garthwaite, Joseph Graham, Richard Gillett, Thomas Hill Clerk, James Hunloke, Thomas Hallows, Ralph Heathcote Clerk, Rowland Hacker, Godfrey Heathcote, William Hewitt, George Hewitt, Charles Hewitt, Richard Roundell Hurwood, Arthur Heathcote Heathcote, Francis Hurt, Francis Hurt the younger, John Hurt Clerk, Charles Hurt, Charles Hurt the younger, Richard Hurt, Edward Hurt, Immanuel Halton Clerk, Robert Holden, Joshua Jebb, Joshua Jebb the younger, Thomas Knowlton, Richard Beacher Leacroft, James Lingard, Thomas Lowndes, Bernard Lucas, Thomas Burton Lucas Clerk, Bernard Maynard Lucas, Anthony Lax Maynard, Edmund Gilling Maynard, Charles Hughes May, Robert Malkin, Henry Malkin, John Milnes, William Milnes, James Milnes, Horatio Mason, James Mander, George Mower, William Edward Nightingale, Joseph Nodder Clerk, John Nuttall, Peter Acklam Reaston, Cornelius Heathcote Reaston, William Robinson, Josiah Bradbury*

Trustees.

Bradbury Robinson, John Rooth, Samuel Rooth, Sir George Sitwell Baronet, John Robert Sharpe, Adam Barker Slater, Silas Slater Clerk, Richard Smith Clerk, Frederick Smith, James Swettenham, Thomas Milnes Smith, William Stubbing, Broughton Steade, Micklethwaite Steade, Charles Steade, Jonathan Stokes Doctor of Medicine, William Turbutt, Richard Burrow Turbutt Clerk, Bache Thornhill, Bache Thornhill Clerk, William Thornhill, Wotton Byrchinshaw Thomas, Isaac Wilkinson, William Waller, William Wright, Peter Wright, Adam Wolley, John Wood Clerk, Robert Wood, Hugh Wood, Peter Walthall, Richard Walthall, Joseph Wilson, and their Successors, shall be and they are hereby declared to be the Trustees for carrying into Execution the said last recited Act and this Act.

Trustees to take an Oath truly to execute the Acts.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee for putting the said last recited Act and this Act in Execution unless he shall be qualified in such Manner as in and by the said last recited Act is directed and prescribed; and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last recited Act, and the Oath herein-after mentioned), take and subscribe before any One or more of the said Trustees an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Form of Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do affirm*], That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.* So help me GOD.’

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlanee, shall be allowed; provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their first Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act and the said last recited Act,
in

in addition to the Trustees hereby appointed ; and such Trustees, so elected and being qualified according to the Directions of the said last recited Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last recited Act, as if they had been hereby nominated and appointed.

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

Officers under the former Acts to account to the Trustees for executing this Act.

X. And be it further enacted, That the first Meeting of the said Trustees shall be held at the House known by the Sign of *The Angel*, or at some other convenient House or Place in the Town of *Chesterfield*, in the said County of *Derby*, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be ; at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited Acts and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper ; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors and other Officers, or any of them, when and as often as they shall see occasion, and appoint others in their stead, as to the said Trustees shall seem proper ; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said recited Acts and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said recited Acts and this Act, as to the said Trustees shall seem proper.

First Meeting of Trustees, and Power to appoint Officers.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purpose of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees ; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such

Treasurer and Clerk not to be the same Person.

[Local.]

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Clerk

Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to continue the present Gates or to erect others.

XII. And be it further enacted, That the said Trustees shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Roads, or from Time to Time remove the same or any of them, and set up and erect in lieu thereof and in addition thereto One or more Turnpike Gate or Turnpike Gates, in, upon, across, or on the Side or Sides of any Part or Parts of the Roads directed by this Act to be amended and repaired, as they the said Trustees may deem expedient; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Roads, or from any Common or Waste Land immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the Whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings from Time to Time to be taken down, removed, and set up again, or altered in such Place or Places across or on the said Roads, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

Restriction as to the erecting Side Gates.

XIII. Provided always, and be it further enacted, That no Toll Gate shall hereafter be erected on the Side of the said Turnpike Road, unless the same be ordered by the said Trustees at a Meeting, of which Fourteen Days public Notice shall have been given in Writing, affixed upon all the Toll Gates erected on such Road, and also in some public Newspaper circulated in that Part of the Country, specifying the Place where such Toll Gate is proposed to be erected, and unless Three Trustees at least shall sign the said Order at such Meeting.

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the

the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground, or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

XV. And be it further enacted, That the following Tolls shall be demanded, taken, collected and paid at the several Toll Gates and Turnpikes now erected or hereafter to be erected in, upon, or across, or on the Side or Sides of any Part or Parts of the said Roads, or any Diversion or Branch thereof, or at the End or Ends, Side or Sides thereof, or at the End or Opening of any Street, Lane or Way leading into or out of the said Roads or any Diversion or Branch thereof. Power to take Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricule, Caravan, Chair, Gig, or other such Carriage, Hearse, or Litter, any Sum not exceeding Four-pence Halfpenny: Tolls.

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Tumbril or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, a Toll not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle (Calves excepted), a Toll not exceeding the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep or Lambs, a Toll not exceeding the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any greater or less Number:

For every Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Mill Stone or Mill Stones, Block or Blocks of Stone, Piece or Pieces of Timber, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horses or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number: And,

For every Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid, and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and if drawn by more than Five

Five

Five Horses or other Beasts of Draught, the further Sum of One Shilling for each Horse or Beast of Draught exceeding that Number.

For regulat-
ing the Toll
for Coals be-
tween Slate-
pit Dale and
Rowesley
Bridge and
Darley
Bridge.

XVI. And be it further enacted, That no Person having paid the Toll granted by this Act at any one of the Gates or Turnpikes erected or to be erected between *Slatepit Dale* and *Rowesley Bridge*, or between *Slatepit Dale* and *Darley Bridge*, shall be liable the same Day to pay any Toll at any other Gate or Turnpike erected or to be erected between the said respective Places, for passing with the same Horse or other Beast laden with Coals only, which have not been already laid down or unladen at any Coal Yard or other Place, from any Horse or other Beast, Cart, or Carriage, or Horses unladen going to fetch Coals only, which have not been laid down or unladen as aforesaid, such Person producing a Note or Ticket denoting such Payment, which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis*; but in case any Coals shall be unladen or taken up, on or near the said Roads, from any Beast, Cart, or Carriage, or taken up at any Coal Yard or other Place as aforesaid, after the same have been so unladen, then the said Beast, Cart, or Carriage with Coals shall be liable to pay another full Toll before they shall pass any of the said Gates.

For exempt-
ing from
Toll Lime
for manuring
Land.

XVII. Provided always, and be it enacted, That no Toll shall be demanded or taken for any Cattle or Carriage loaded with Lime for the Purpose of manuring and stocking of Land in the same Parish where such Lime shall be so gotten and burnt and used by the Inhabitants thereof.

Tolls to be
paid but Once
a Day at each
Gate.

XVIII. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in any one Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for passing and repassing with the same Horse or Horses, Beasts or Cattle, through the same Turnpike (except as herein-after mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Tolls.

Limiting the
Number of
Tolls to be
taken.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or their Lessee or Lessees, Collector or Collectors, to demand or take more than Two full Tolls the same Day on the whole Line of the said Road from any Person passing or repassing in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) along the said Road, with the same Horses, Cattle, Beasts or Carriages, and that all and every Person or Persons, after having paid such Two full Tolls on the same Day at the Toll Gates now erected or hereafter to be erected on the said Road, on producing Notes or Tickets denoting such Payments, shall afterwards pass Toll-free with the same Horses, Cattle, Beasts, or Carriages during such Day, (to be computed as aforesaid) through the same Toll Gates, or through any other Toll Gates erected or to be erected on the said Roads or on the Sides thereof.

Stage
Coaches,
Caravans, and
Post Chaises

XX. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or other Stage Waggon, Van, Caravan, or any other Carriage carrying Passengers

or

or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for re-passing through such Toll Gate in like Manner as if no Toll had been before paid, and the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or re-passing along the said Roads on the same Day with a Ticket denoting a fresh Hiring.

to pay every Time of passing.

XXI. And be it further enacted, That out of any Money now in the Hands of the said Trustees, or out of the first Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Three or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Monies so raised in erecting Gates or Turnpikes and Toll Houses, and repairing, widening, and amending the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and in paying the Principal and Interest of the Money now due and owing upon the Credit of the Tolls granted by the said recited Acts and this Act, and to no other Use or Purpose whatsoever.

Application of the Tolls.

XXII. Provided always, and be it further enacted, That the said Trustees shall not compound with any Person or Persons using to travel through all or any of the Gates or Turnpikes erected or to be erected by virtue of the said former Acts or this Act, for any Sum of Money for and in lieu of the Payment of Tolls, unless by and with the Consent of Two-thirds in Value of the Creditors of the Tolls.

Compositions for Tolls not to be made without Consent of Two-thirds of the Creditors.

XXIII. And be it further enacted, That the said Trustees shall and may, at such Distance from any Toll Gate or Turnpike upon the said Roads as they shall think proper or expedient, order and cause to be built or erected, or to be hired, rented, taken, compounded and agreed for, any Crane, Machine, or Engine proper for weighing Carts, Waggons, or Carriages loaded with any kind of Loading whatsoever.

Trustees empowered to erect Cranes for weighing Carts, &c.

XXIV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not in any case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained for that Purpose.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owner.

XXV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Roads or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner and for such Sum or Sums of

Trustees may contract for the making or repairing the Roads.

[*Local.*]

7 G

Money

Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Regulations
as to Perform-
ance of
Statute
Work.

XXVI. 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 thereunto, in like Manner as heretofore; and it shall be lawful 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, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads do lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, 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 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 or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every
Day

Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said 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 be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers 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 Parishes, Townships, or Places shall refuse or wholly 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 Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Derby*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXVII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

For paying
the Expences
of the Act.

XXVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Trustees, out of any Money now in the Hands of the said Trustees or their Treasurer, or out of the first Money which shall arise by virtue of the said last recited Act and this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Public Act.

XXIX. 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.

Commence-
ment and
Continuance
of this Act.

XXX. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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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