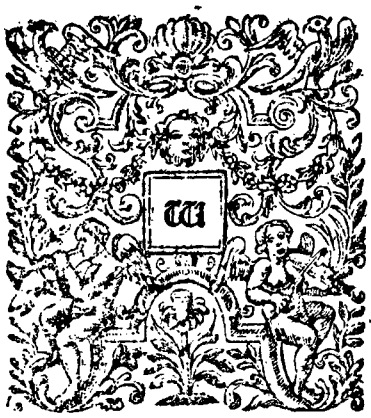
Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road from the Town of *Derby* to the Town of *Newcastle under Lyne*, in the County of *Stafford*.



WHEREAS the Roads leading from the Town of Derby, to and through the Towns of Mickleover, Etwall, Hilton, Foston, Aston, Sudbury, and Dovebridge, in the County of Derby, to the Town of Uttoxeter in the County of Stafford, and through Bradley Lane into the High Street in the said Town of Uttoxeter, and to the End of the said Town towards Newcastle; and from the End of the said Town of Uttoxeter, to and through the Towns of Stramshall, Beamhorst, Checley, Nether-Teen, Over-Teen, or to and through Hollington; and over Hollington Heath, to and through Draycot, Stonehouse, Miere, Loan, Delph, and Stoake, to the Town of Newcastle in the County of Stafford, are in a ruinous Condition, and in several Places very narrow and incommodious; and Preamble.

the said Roads cannot be effectually repaired and widened by the ordinary Course appointed by the Laws in being: 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 Sir Willoughby Aston Baronet, the Reverend John Addenbrooke D. D. Dean of Litchfield, the Reverend George Almond, Thomas Alsopp, Armashere, Sir Robert Burdett Baronet, Philip Barnes, Thomas Bainbrigge, Thomas Borrow, Brook Boothby, John Tempest Barrow, John Borrow, John Cave Brown, Hugh Bateman, Richard Bateman, Esquires; Robert Bakewell, Thomas Bennett, John Bloodworth, John Bingham, Thomas Bingham, Joseph Bingham, Thomas Bennett junior, James Butterfield, William Butts, John Bateman, John Burton, Francis Burton, Edward Burton, George Buxton, Gentlemen; the Reverend Chambers Bate, Bate junior, Edward Bratand, John Bratand, Alpheus Burgin, the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; Sir Nathaniel Curzon Baronet, Asheton Curzon, Godfrey Clark, Wenman Coke, Thomas Coke, William Cotton, William Cotton junior, Samuel Crompton, Gilbert Cheshire, Henry Coape, Sampson Copestake, Esquires; Samuel Crompton, Joshua Crompton, Robert Cheshire, Thomas Chawner, John Chawner, Gentlemen; the Reverend William Chambers, Sir Henry Cavendish Baronet, Henry Cavendish, William Cavendish, Esquires; the Reverend Henry Cautrell, Henry Creswell Gentleman, the Mayor and Recorder of Derby for the time being, Robert Dale Esquire, Isaac Dance Gentleman, Thomas Doxey Esquire, the Reverend Dimot, the Reverend Sir John Every Baronet, Henry Eyre Esquire, Thomas Eaton, William Evans, Thomas Evans, William Edwards, Richard Earle, Gentlemen; William Fitzherbert, Richard Fitzherbert, Esquires; the Reverend John Fitzherbert Clerk, Gilbert Fox, Samuel Fox, William Fallows, Gentlemen; the Reverend Henry Fletcher, Goodere Fletcher, Leonard Fosbrooke, Esquires; Philip Gell Esquire, Philip Gell Doctor of Physick, John Gisbourne, John Gisbourne the younger, Esquires; John Green, Gentleman, Sir Henry Harpur Baronet, Caleb Hardinge Doctor of Physick, Samuel Heathcote Gentleman, William Hope Doctor of Physick, the Reverend

Trustees Names.

Charles Hope, John Heath, Matthew How, Gentlemen; Richard Hayne Esquire, John Hope, Robert Hague, William Haycock, Thomas Harpur, Gentlemen; the Reverend Robert Holden, Sir Atwell Lake, Sir Matthew Lamb, Baronets; John Lowe Esquire, the Reverend John Lowe, Ferdinando Lowe Gentleman, Thomas Ley Esquire, Wrightson Mundy, Edward Mundy, Francis Mundy, Godfrey Meynell, Hugo Meynell, Esquires; George Mellor Gentleman, John Moreton Esquire, Ralph Melland, Thomas Milnes, William Martin, Gentlemen; Robert Newton, Samuel Newton, John Newton, Esquires; Henry Noton, Egerton Orme, William Oaky, Gentlemen; German Pole, German Pole junior, Esquires; Thomas Pye Gentleman, Thomas Rivett Esquire, Francis Rivett Gentleman, the Reverend John Roulson, Charles Stanhope, James Shuttleworth, Esquires; the Reverend John Seale, Joshua Smith, William Leaper Smith, William Storer, Thomas Stamford, Henry Scott, Nicholas Thornhill, Gentlemen; Exuperius Turner Esquire, Henry Tatam Gentleman, George Venables Vernon, George Venables Vernon junior, Esquires; Henry Vernon, Joseph Ward Esquire, Benjamin Ward Gentleman, Sir Edward Wilmot Baronet, Doctor of Physic; Sir Robert Wilmot, Sir John Eardley Wilmot, Knights; Robert Mead Wilmot, Edward Wilmot, Francis Ballidow Wilmot, Esquires; the Reverend Richard Wilmot Doctor in Divinity, Arthur Wooley Esquire, the Reverend Henry Offley Wright, the Reverend Joshua Winter, Richard Wright, John Wright, Richard Whitby, John Wright junior, Henry Wilkinson, Gentlemen; the Reverend William Wicksteed, Henry Yates Gentleman, and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from the Town of Derby, to and through the Towns of Mickleover, Etwall, Hilton, Foston, Aston, Sudbury, and Doveridge, in the County of Derby, to the Town of Uttoxeter in the County of Stafford, and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be, and is herein after, called the First District of the Roads hereby intended to be repaired and widened: And that Francis Ashby Esquire, John Alsager, Thomas Allen Clerk, Thomas Allen, William Adams, the Reverend Adams Clerk, Sir Walter Wagstaff Bagot Baronet, William Bagot Esquire, the Reverend Bagot, William Boyer, Thomas Beach, Thomas Bull, the Reverend Bill, William Bidolph, William Bill, Robert Bill, Thomas

Trustees for the Second District.

Thomas Broad, John Bourne Esquire, Samuel Boyer, John Beckett, John Baddely, Thomas Broom, George Broom, Thomas Bolton, Joseph Bourne, William Banks, Hugh Booth, Thomas Broad junior, John Brounlow, Luke Bennet, John Bird Esquire, William Blurton, Job Bull, Thomas Beard, William Beard Esquire, Nathaniel Beard, Nathaniel Beard, John Brindly junior, Edward Blurton senior, Edward Blurton junior, William Ball, Charles Barns, John Bayley, Brook Boothby Esquire, John Brown, Thomas Ball, Richard Ball, Thomas Bainbrigge Esquire, William Cotton Esquire, the Reverend Doctor Cotton, Joseph Clowes, William Clark, John Clownam, Ralph Cartwright, John Cook, Thomas Corbit, William Clarke Cawerswall, Thomas Cotton, John Clews, Thomas Cotgrave, John Coker, Uriah Cauldon, Urine Caldon, Smith Child, John Cartwright, John Chadwick, Richard Clark, William Clark, Walter Carrington, John Clayton Cæsar Aiden Colclough, Richard Davenport Esquire, George Deam, John Emery, Thomas Edwards, Charles Enson, the Reverend Robert Fowler, Cornelius Fowler, John Fenton Esquire, Thomas Ferneyhough, Thomas Fletcher, Robert Fenton Clerk, Thomas Fenton, Thomas Fenton junior, John Fallows, Thomas Lovatt Fulford, Joseph Farmer, the Honourable Baptist Leveson Gower, the Honourable John Leveson Gower, Ralph Gilbert, Lieutenant Colonel William Gardner, the Reverend Goodwyn, Francis Gallimore, Thomas Gilbert Esquire, John Goodwin, William Gallimore, Ralph Gilbert, John Gilbert, Bernard Granville Esquire, James Grindy, George Hunt Esquire, Richard Hayne Esquire, Thomas Hart senior, William Hart, William Phillips Hadley, Leighton Hayne, John Hayne, Robert Hurst, Thomas Hatrell, Thomas Hatrell junior, John Harding, Richard Huit, John Harrison, Thomas Heath, Joseph Hill, John Hassell, William Hassell, James Hinks Clerk, Henry Hankcock, William Harrison, Thomas Harvey, Robert Hurst, William Hankcock, Smalbroke Horsley, Charles Hart, Thomas How, Anthony Hordern, Nicholas Hurt Esquire, Richard Hall, William Jarvis Esquire, John Jones, Clement Kinnersley Esquire, the Reverend Thomas Keeling, the Reverend Samuel Langley Doctor of Divinity, Obediah Lane Esquire, John Lovatt, Joh. Lovat, Francis Leigh, Edward Leigh, the Reverend George Malbon, William Milward, Gilbert Moor, Thomas Marratt, Jonathan Mullins, William Towers Minors, Thomas Mills Esquire, Ralph Moreton, John Mare, John Midleton Clerk, John Machin, William Murhell Esquire, John Morris, Thomas Mills Esquire, Richard Mier, Edward Mannering

Mannering Esquire, James Myott, Thomas Mycock, David Mills Clerk, Robert Machin, John Machin, Thomas Mason, William Manifold, William Norris, Michael Nichols, Ralph Okeden, Leek Oakover Esquire, John Offley Esquire, Lord Chief Baron Parker, William Plant, John Phillips, Robert Pritty, John Parker, George Parker, Thomas Picklin, Humphry Palver, John Plant, Thomas Pratt, Thomas Parker Esquire, George Parker Esquire, John Phillips junior, Nathaniel Phillips, Thomas Phillips, Samuel Platt, Richard Phillips, Thomas Phillips, William Phillips, the Reverend Perks, George Port Esquire, Nathaniel Phillips junior, Samuel Reycroft, Reycroft junior, John Roe, Samuel Robinson, Jeremiah Robinson Clerk, John Russell, John Richards, Thomas Rivett Esquire, Ralph Sneyd Esquire, the Reverend Edward Sneyd, William Swinerton Esquire, Jeremiah Smith Gentleman, John Simpson, George Sparrow Clerk, John Sigley, Thomas Shelly, John Shelly, Joshua Smith, Sampson Salt, Thomas Swinerton, William Sutton, Joseph Stone, William Spencer, Vere Smith, John Smith, George Smith, the Honourable Frederick Thynne, John Turner, James Trunley, William Terrick, John Townsend Clerk, James Taylor, John Terrick, William Turner, William Townsend, John Taylor, Thomas Taylor, William Turner, John Turner, Ralph Tunicliffe, the Right Honourable Lord Vane, Thomas Unit, the Honourable Major General Waldegrave, Ralph Wood, James Web, Robert Wood, Ralph Weston, Samuel Weston, Roger Wood, Stephen Wood, John Wilton, Williamson, James Warner, John Ward Clerk, William Whieldon, John Whieldon, Thomas Whieldon, Samuel Whaley, Thomas Wedgwood senior, Thomas Wedgwood junior, Edward Whieldon, John Wedgwood, John Wetherby, Ralph Williamson Esquire, Edward Wheeler Esquire, William Williamson, and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from the said Town of Uttoxeter, to and through the Towns of Stramshall, Beamhorst, Checley, Nether-Teen, Over-Teen; or through Hollington Heath, to and through Draycot, Stonehouse, Mere, Loan, Delph, and Stoake, to the Town of Newcastle, in the said County of Stafford, and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be and is herein after called the Second District of the Roads hereby intended to be repaired and widened.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Five

Time and Place of Trustees Meeting.

or

or more of them, shall meet at the House of Matthew How, known by the Sign of The George in Derby, on the Twelfth Day of June next after the passing of this Act; and the Trustees for the said Second District, or any Five or more of them, shall meet at the House of Platt, known by the Sign of The Roebuck in Teen, on the Fourteenth Day of June next after the passing of this Act, and respectively proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, to meet at such Place or Places within or near such respective Districts, as they the said respective Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees respectively, shall, from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected within the respective District, at least Ten Days before the next Meeting, appoint such Trustees respectively, to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said respective Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Act valid, except done at a publick Meeting of the Trustees.

No Order made shall be repealed, unless Nine Trustees be present.

Trustees not to act where interested.

Trustees, who are in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, for the said Districts respectively, it shall be lawful for the surviving or remaining Trustees, for such District respectively, or any Nine or more of them, from time to time, to elect One other

On Death, &c. of Trustees, others to be chosen.

other Person to be a Trustee, in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes within such respective District, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Ten Days Notice of Election to be given.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person 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, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Seven or more of them, shall and may cause the following Turnpikes to be erected; that is to say, A Turnpike across the said Road at the End of a Lane called Rowditch Lane, at or near the Termination of the Liberty of Saint Werburgh's Parish, in Derby; and also One other Turnpike across such Part of the Road within the said District at the East End of Dovebridge; and such other Turnpike or Turnpikes at such Place or Places on the Side or Sides of, or cross, any Lane or Way leading into the said Road, as the said Trustees, or any Seven or more of them, shall think proper. And the said Trustees for the said Second

Trustees may erect Turnpikes and Toll-houses.

District, or any Seven or more of them, shall and may cause the following Turnpikes to be erected; that is to say, A Turnpike across the said Road within the said District, in such Part of the Village of Micre; and also One other Turnpike across the said Road, at such Place between the Towns of Stramshall and Uttoxeter, but not nearer Uttoxeter than the House known by the Sign of The Royal Oak, in the Parish of Uttoxeter; and such other Turnpike or Turnpikes at such Place or Places on the Side or Sides of, or cross, any Lane or Way leading into the said Road, as the said Trustees, or any Seven or more of them, shall think proper; and shall or may cause a Toll-house to be erected or provided upon or on the Side of the said respective Roads at or near the Places where each of such Turnpikes shall be erected; and the Tolls following shall be demanded and taken by such Person or Persons as the said respective Trustees, or any Seven or more of them, shall, from time to time, appoint to receive the same at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say,

and appoint Persons to take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting of such Tolls, to seize and distrain any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space

Tolls may be levied by Distress and Sale.

Distress to be sold after 4 Days.

of

of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said respective Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Tolls vested in the Trustees.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross either of the said Roads.

No Toll to be taken for crossing the Road only.

Provided also, That if any Turnpike shall be erected across the Road leading from *Crakemarsh* to Uttoxeter, no Tolls shall be taken for any other Horse, Cattle, Beast, or Carriage, than such as shall be going unloaden for, or loaden with, Coals; any thing herein before contained to the contrary notwithstanding.

No Toll to be taken on the Road from *Crakemarsh* to *Uttoxeter*, but for Horses or Carriages going for or returning with Coals.

And be it further enacted, by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, within the said respective Districts, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the Roads within such Districts, shall be, and are hereby vested in the said Trustees for such Districts respectively; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Property of the Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said Districts, or the Monies to be borrowed upon the Credit thereof, the said respective Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act; and that One Moiety of such Expences shall be defrayed out of the Monies arising within or upon Account of the said First District; and the other Moiety of such Expences shall be defrayed out of the Monies arising within or upon Account of the said Second District; and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the respective Roads

Application of the Monies.

in the District wherein, or on Account whereof, such Tolls are collected or levied, and for which such Monies are borrowed, and of executing the other Purposes of this Act within, and in relation to, such Districts respectively; and to no other Use whatsoever.

The Road from *Lampet's Lake* to *Uttoxeter*, to be divided and repaired out of the Monies arising in the District with which each Part communicates.

And be it further enacted by the Authority aforesaid, That the Road from Lampet's Lake, through Bradley Lane, to the End of the Town of Uttoxeter, in the Way towards Newcastle, shall be divided into Two equal Parts, in Extent; and that such Parts shall be repaired, and kept in Repair, out of the Monies arising within, or in respect of, the District wherewith such respective Parts shall immediately communicate; any thing herein contained to the contrary notwithstanding.

Trustees for the Second District shall order which of the Branches of the Road between *Stramshall* and *Draycot* shall be repaired under this Act.

And whereas the Road in the said Second District is divided, between the said Towns of Stramshall and Draycot, into Two Branches, which are called the Upper and Lower Ways, and it is necessary that only One of the said Branches should be repaired by virtue of this Act, be it therefore enacted by the Authority aforesaid, That the said Trustees for the said Second District, or any Five or more of them, at their First Meeting, or at any subsequent Meeting, Twenty Days Notice at least being previously given of such subsequent Meeting, by Writing affixed upon all the Turnpikes within such District, and the Intention of holding such Meeting expressed in such Notice, to order and direct which of the Branches of the said Road shall be repaired and widened by virtue of this Act; and from thenceforth the other of such Branches shall not be deemed any Part of the Road hereby intended to be repaired; and such Order and Direction shall not be repealed or revoked at any future Meeting.

Trustees, with Consent of the Creditors, may lessen the Tolls,

and raise them again.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Nine or more of them, at their First Meeting, and, from time to time, assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce, within such Districts respectively, all or any of the Tolls by this Act granted, and for such Time or Times as they the said respective Trustees, or any Nine or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before-mentioned; and the said respective Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the Turnpikes in such Districts respectively,

tively, as they the said respective Trustees, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting for such District respectively, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act within such District respectively.

Tolls to be paid but Twice a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Twice for passing or repassing, at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act upon the Road, and on the Sides thereof, in each respective District, and cross any Lane or Way leading into the same respectively; but all and every Person and Persons, after having paid Toll Twice, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all the Turnpikes in, and belonging to, the respective District wherein, or in relation whereto, such Tolls were paid; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Tolls to be paid but Once a Day for passing through the same Turnpike.

Provided always, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times with the same Cattle or Carriage, in the same Day, through any One Turnpike.

If the Trustees shall judge the Tolls within any District to be insufficient;

Provided nevertheless, and be it further enacted by the Authority aforesaid, That if the Trustees for the said respective Districts, or any Eleven or more of them, at a Meeting assembled (of which Thirty Days Notice at the least, in Writing, shall be affixed upon all the Turnpikes in the District for which such Meeting respectively shall be held, and the Intention of holding such Meeting expressed

in such Notice) shall, upon due Consideration of the Expences that will be necessarily incurred in the effectual Execution of the Purposes of this Act within such respective District, be of Opinion that the Tolls arising at the Turnpikes herein before authorized to be erected within the same District, are insufficient; then, and in such Case, the said Trustees, or any Eleven or more of them, may cause One other Turnpike to be erected across the Road within such respective District, and such Tolls as are herein before mentioned, or any Part or Parts thereof, shall and may be collected and levied at such Turnpike respectively; but no such Turnpike shall be erected nearer to the Town of Newcastle than the said Village of Miere, or nearer to the said Town of Uttoxeter than the said House known by the Sign of The Royal Oak; and after such Turnpike shall be erected in such respective District, and during the Time that such Turnpike shall continue, no more than Two full Tolls shall be collected and levied for the same Horses, Cattle, Beasts, and Carriages, in any One Day (to be computed as aforesaid) and the said respective Trustees, or any Eleven or more of them, assembled at any subsequent Meeting to be held upon such Notice as aforesaid, may, from time to time, cause any such Turnpike to be taken away, or set up again, as Occasion shall require; any thing herein before contained to the contrary notwithstanding.

they may cause another Turnpike to be erected therein, and take Tolls thereat; but not nearer to *Newcastle* than *Miere*, or to *Uttoxeter* than the *Royal Oak*;

but no more than Two full Tolls to be taken in the same Day;

and such Turnpike may be taken away, or set up again.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike shall be erected upon the Road, or on the Sides thereof, or cross any Lane or Way leading into the Road in the said First District, between the East End of the Town of Hilton, and the Turnpike herein before authorized to be erected at Drovebridge; nor shall any more than One Toll be paid for the same Cattle or Carriage in any One Day, between the Town of Uttoxeter and the said East End of the Town of Hilton; nor shall any Turnpike be erected on the Side or Sides of, or across, any Lane or Way leading into the said Road in the Second District, between the Village of Miere and the Town of Newcastle.

No Turnpike to be erected on the Road between *Hilton* and the Turnpike at *Drovebridge*;

nor more than One Toll be paid between *Uttoxeter* and *Hilton*;

nor any Side-gate erected on the Road between *Miere* and *Newcastle*.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding Two years at any One Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid for, or in respect of, such Carriages, Horses, Cattle,

Trustees may compound with Travellers.

Cattle, or Beasts; and all such Composition-money shall be paid Quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, such respective Districts, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby, shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on Persons permitting private Passage;

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse or other Cattle or Beasts, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said respective Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be

or giving or receiving Tickets, &c.

or taking off Horses, &c. to avoid Payment of the Tolls.

paid

paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Persons and Things exempted from Tolls.

n Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, loaden only with, or going unloaden for, or returning unloaden, having been laden only with on the same Day, Gravel, Stone, or other Materials for repairing either of the said Roads, or any of the Roads in the Townships in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands; or for any Person or Persons residing in any Township in which either of the said respective Roads doth lie, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post Horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Derby or Stafford, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Twenty Shillings.

Penalty on making illegal Claims, not being intitled thereto.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Nine or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising within, or in relation to, the said respective Districts, in such Manner as they the said respective Trustees, or any Nine or more of them, shall think proper, to borrow and take up, at legal or less Interest, such Sum and Sums of Money as they, or any Nine or more of them, shall think fit; and may, and are hereby impowered, from time to

time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said respective Trustees: But no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes within the District for which such Monies shall be borrowed, at least Twenty Days before the borrowing thereof: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such respective Tolls in equal Degree One with another; and shall have no Preference in respect of the Priority of advancing any such Monies.

Assignments to be entered in a Book.

Assignments may be transferred, and the Manner of doing so.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said respective Districts, or any Seven or more of such Trustees, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said respective Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said respective Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any Five or more of them, are hereby impowered to administer) verify their said Accounts:

Officers refusing to account,

And if any such Officer or Person shall not make and render, or refuse to verify, upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said respective Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act; in each, any, or either of the said Cases, any One or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said respective Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof, to the said Trustees, or any Seven or more of them.

Justice to enquire into the Default,

and commit the Offender to Gaol.

Trustees may compound.

Collectors to gain no Settlement by their Office.

Provided always, That no such Collector, Surveyor, or other Officer, shall gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper. Treasurer to give Security.

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Seven or more of the Trustees for such District respectively, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the Trustees for such District, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls. Trustees may appoint Collectors, though not at a public Meeting.

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act. Victuallers, &c. not to have a Place of Profit

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors, appointed by any Five or more of the said Trustees respectively, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said respective Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said respective Roads lies, or in any neighbouring Parish, Town, or Place, without paying any thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said respective Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same; levelling the Pits;

making Satisfaction to the Owners of the Ground.

mage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Grounds, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said respective Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and

turn Watercourses,

to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said respective Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or

and cut down Trees, &c.

they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said respective Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the

the Owners neglecting to remove the same after Notice,

Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said respective Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said respective Trustees, or any Five of them) shall be reimbursed to such

Surveyors to be reimbursed the Charges.

Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be re-

Penalty of a Second Offence.

covered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains, in and upon the said respective Roads, and also through any Ground lying contiguous

ous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain, where necessary; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any Hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said respective Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

erect Bridges;

and make a temporary Road;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, shall be, and are hereby fully impowered to divert, turn, or alter the Course or Path of any Part or Parts of the Road within their respective Districts through any Wood or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain, by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and

Trustees may contract for the Purchase of Lands to be taken into the Roads:

Bodies Politick, &c. may contract for the Sale of Lands, &c.

for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act;

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Two Months next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Five or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

Means, as well for their own, as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place, as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more them, acting in the Premisses, shall have Power from time to time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Jurors may be challenged.

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

ed and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within, or upon Account of, the respective District wherein such Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said respective Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Road hereby appointed to be repaired within such respective District is, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new

Lands when purchased to be deemed a publick Highway.

Old Road may be sold.

Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of the Road within such respective District; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be damaged by this Act.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

If the Roads over any Moor, &c. be discontinued, Inhabitants not liable to repair the same.

And whereas some Parts of the Roads by this Act directed to be repaired lie over several Moors, Commons, Waste Grounds, Open Fields, or Pastures, and if the same were to be inclosed, the said Roads may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Roads over any Moor, Common, Waste Grounds, Open Fields, or Pastures, shall be made or repaired in pursuance of this Act, the said Roads shall, for ever thereafter, be and remain Forty Feet broad, and be deemed publick and common Highways.

Roads to be 40 Feet broad.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act: And that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lies, and all other Persons, liable to perform the Work commonly called Statute-work, upon the said Roads, shall remain subject to the Performance of such Work: And every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty

Persons chargeable to the Repairs of the Highways, to continue so.

Persons renting 50 *l. per Ann.* to be deemed Teamholders.

Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams: And the Statute-work shall be done by all such Persons on such Parts of the Road hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the Trustees for such respective District, or any Five or more of them, or the Surveyor or Surveyors for such District, shall, from time to time, direct and appoint, so that no more than Two Days Work shall be done by any Inhabitant of the Parish of Uttoxeter, or more than Three Days Work by any other Person, on the said respective Roads in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the Road within such District respectively, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said respective Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such

Parish Surveyors to deliver in Lists of Persons who are chargeable with Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Penalty on Persons not performing Statute-work.

Person

Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to so keep, Team, for every Day's Default, the Sum of One Shilling and Six Pence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done; such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the respective Trustees, or any Seven or more of them, to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the Road within such District respectively, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at any Vestry or other Publick Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the said respective Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said respective Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of such Road respectively; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound for Statute-work.

Surveyors paying the Composition-money, how to be reimbursed.

And

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward;) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every such Offender in either of the said Cases shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender, to be dealt with according to the Directions of this Act.

Penalty on defacing Mile-stones, &c.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted

inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any Five or more of the Trustees for the District wherein, or in relation whereto, such Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any Five of such Trustees, or such Justice, is or are hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Five or more of such Trustees, or of such Justice (which Warrant or Warrants such Trustees or Justice is or are hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees for such District, or to their Treasurer, and applied in the Repair of the Road within such District; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Five or more of such Trustees, or such Justice, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving,

Persons aggrievedmay appeal to the Quarter Sessions.

Notice of Appeal to be given, or causing to be given, Ten intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

and Security to be given to prosecute.

Distress not to be deemed unlawful for want of Form; And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining deemed a Trespasser *ab initio*.

Writings to be without Stamps. Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book, Provided, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said respective Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered,

and signed by the Clerk. shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled, as the

Case

Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in, or relating to, the Execution of this Act, shall be vacated or quashed for want of Form; or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quash'd for want of Form,

not removeable by *Certiorari*.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said respective Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Derby or Stafford, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the

Limitation of Actions.

General Issue.

Treble Costs. Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.