Anno tricesimo tertio

Georgii II. Regis.

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 *Rowesly Bridge*, in the County of *Derby*.

WHEREAS the high Road leading from the Turnpike Road called Hernstone Lane Head Turnpike, near the West End of the Town of Chesterfield, to Matlock Bridge; and also the high Road leading out of the said Road over Darley Bridge, to the Turnpike Road leading from Nottingham to Newhaven, at a Place called Cross Green; and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowesly Bridge in the County of Derby, are in a ruinous Condition, and in several Parts narrow and incommodious, and the same cannot be effectually repaired, widened, Preamble.

widened, and rendered commodious by the present Methods provided by Law; 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, John Archer, William Armitt, Esquires; Anthony Allen, Jonathan Allwood, William Allen, George Allen, Charles Allsop, Andrew Allsebrook, George Allison, Sir Robert Burdett Baronet, Henry Bridgeman, Richard Bagshaw, William Bagshaw, John Bagshaw, Samuel Bagshaw, Joseph Briggs, Hugh Bateman, Richard Bateman, Esquires; Isaac Bound, John Buxton of Nottingham, William Bowman, Humphry Brettner, Richard Barker, Robert Barker, Robert Barker of Bubnal, Alexander Barker, John Barker of Edensor, John Barker of Bakewell, Benjamin Barker, Henry Bourne Batchelor of Physick, Christopher Bower, William Bower of Alsop, William Bower the younger, Isaac Bower, William Bosley, Michael Buxton, Samuel Buxton, German Buxton, John Buxton of Ashburne, John Buxton, Edward Buxton of Ashburne, Joseph Bright, Robert Bright, John Burton, Edward Burton, Samuel Beard, Gervase Bosville, William Blundal, John Barnes, Thomas Birds, Joseph Bower, Thomas Bower, William Bowen, Godfrey Bright, James Baird, John Baker, Richard Bateman, Richard Bateman the younger, William Bunton, Joseph Boot, John Botham, John Bunting, Henry Bradley, Henry Basguy, Joseph Bunting, Samuel Beard, William Barker Clerk, Obadiah Bourne, Lawrence Bourne, Francis Bower, William Burrow, Benjamin Burrow, William Brailsford, Clerks; 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, Richard Cavendish, Asheton Curzon, Godfrey Clark, Godfrey Clark the younger, Edward Cheney, Esquires; the Mayor of Chesterfield for the time being; John Creswell, John Creswell of Ashford, William Chaworth, Joseph Clay, Thomas Clark, Thomas Calton, William Cowley, Henry Cope, John Calton, George Calton, Richard Clay, Thomas Clay, Joseph Dickens, Thomas Dodd, Joseph Denman, James Davis, Henry Donston, Rowland Eyre Esquire, Henry Eyre, Vincent Eyre, Esquires; George Evans, Samuel Clark Evatt, Thomas Eyre, John Eaton, John Eggington, William Fitzherbert Esquire, Robert Freeman, Joseph Fermin, William Finney,

Trustees Names.

ney, Eſquires; John Fitzherbert, Clerk, Thomas Fidler Clerk, James Fitzherbert, John Frith of Cheſterfield, Richard Fitzherbert, Thomas Froggatt, Thomas Froggatt of Bakewell, Samuel Foxlow, Thomas Finney, William Finney, John Fidler, Joſhua Fidler, William Fox, John Griffith Doctor of Divinity, Philip Gell Eſquire, John Giſbourne the younger, Pierce Galliard, Eſquires; Francis Giſborne, Thomas Grove, Middlemore Griffith, Clerks; William Green Doctor of Phyſick, Henry Gladwin, Gervaſe Gardiner, Anthony Gallimore, James Grove, Charles Greaves, William Greaves, William Goodwin, William Gardom, Adam Greenough, Joſeph Gould, James Goodie ſenior, James Goodie, John Gardom, John Grundy, Thomas Gell, Stephen Gamble, Sir Henry Harpur, Sir Henry Hunlock, Baronets; John Hewett, Windſor Hunlock, Robert Hunlock, James Hunlock, Brabazon Hallows, Robert Banks Hodgkinſon, William Hallows, Windſor Henneage, Thomas Holland, Eſquires; Caleb Hardinge, Emanuel Halton, Doctors of Phyſick; Ralph Heathcote, Thomas Hinckeſman, James Heywood, Thomas Harris, Chaworth Hallows, Moſes Hudſon, Hanſon, Clerks; William Harding, Charles Hurt, Godfrey Heathcote, Godfrey Heathcote the younger, George Holland, Samuel Holland, Brian Hodgſon, John Harris, John Harris the younger, Francis Hurt the younger, Edmund Hodgkinſon, Samuel Hooley, Francis Hurt, Edmund Hodgkinſon of Matlock, Joſhua Jebb, Francis Inman, Averey Jebb, Francis Johnſon, Joſeph James, Henry Ibbotſon, John Johnſon, Sir Matthew Lambe Baronet, William Allwood Lord, John Leacroft, Jonathan Lee, Eſquires; Thomas Leacroft Doctor of Phyſick, Bernard Lucas of Cheſterfield, Thomas Lucas of Cheſterfield, Bernard Lucas the younger, Thomas Longſdon, Robert Lathan, Robert Leacroft, William Longſdon, Thomas Layland, the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable George Manners, commonly called Lord George Manners; Hugo Meynell, George Mower, George Morewood, Richard Milnes of Dunſton, William Milnes of Alderbar, John Monk Morgan, Robert Moore Eſquires; Richard Milnes Doctor of Phyſick, William Milnes of Cheſterfield, William Milnes the younger, John Mander, William Miles, William Melland, John Melland, William Mills of Haſſop, Philip Mather, Richard Milnes of Cowley, Walter Mather, Iſaac Metcalfe, William Milnes of Aſhover, William Manley, Robert Mellor, Robert Newton Eſquire, Richard Nall, Roger Newham, Edward Nevill, George Norman, Peter Nightingale, Peter Nightingale the younger, James Norman, Robert Owtram of Aſhover, John Owtram, Strel-

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ley Pegge Esquire, Samuel Pegge, German Pole, German Pole the younger, Sacheverel Pole, Esquires; Samuel Pegge Clerk, John Marshall Priné, John Piddocke, Gilbert Rodes Esquire, John Rotherham Esquire, John Rose, Henry Roberts, Francis Roe, Richard Roe, Samuel Roe, William Roberts, John Renshaw James Riggott, Arthur Riggott, the Right Honourable Robert Sutton, commonly called Lord Robert Sutton; Sir Charles Sedley Baronet; Sir George Savile Baronet, Adam Slater, William Soresby, Samuel Shore, Samuel Shore the younger, Esquires; John Simpson, John Swift, Thomas Seward, Thomas Salvage, Joseph Saunders, John Steeple, Joseph Shipston Clerks; Thomas Slater, Richard Slater, Francis Slater, John Smith, John Shore, Charles Staniforth, William Storer, William Storrs, Joseph Smedley, William Saunders, William Smith, John Satterfield, Richard Slater the younger, Thomas Smalley, Robert Shore, Adam Simpson, George Sowter, John Sowter, Bache Thornhill Esquire, Henry Thornhill, Nicholas Thornhill, Nicholas Twigg of Holm, Thomas Thoroton, Esquires; Edward Timperley Clerk, John Twigg, Nicholas Twigg of Chesterfield, Nicholas Twigg of Wirksworth, Nicholas Twigg of Bakewell, William Thacker, John Thorp, George Tissington, Anthony Tissington, Anthony Tissington the younger, Richard Towndrow, Samuel Towndrow, Joseph Towndrow, John Toplis, John Tatlow, Venables George Vernon Esquire, Venables George Vernon the younger Esquire, Sir Edward Wilmot Baronet, Sir John Eardly Wilmot, Sir Robert Wilmot, Knights; Thomas Wright, John Woodyear, Richard Mead Wilmot, Edward Wilmot of Duffield, Esquires; William Wheeler, John Wood, Thomas Wormhall, Peter Walthall, Thomas Wright, Clerks; Richard Wilkinson, John Wilkinson, Henry Wall, Stephen Wall, Joshua Wheldon, Godfrey Webster, Paul Webster, John White, Joseph Whitfield, Mathew Spark Whitfield, John Wolley, John Wolley the younger, Adam Wolley, Anthony Wolley, John Wall, John Wall the younger, John Wilcockson, David Woodhouse, John Wilkinson of Hilcote, John Wilkinson the younger, Ichabod Wright, Thomas Wright, John Wright, Hugh Wood, Thomas Wheeldon, William Willimott, Thomas Wingfield, William White, Anthony Wood, Anthony Wood of Howay, Thomas Woodhouse, shall be, and they and their Successors to be appointed in Manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of

of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits, of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or possessed of, or entitled unto, a Personal Estate alone, or Real and Personal together, to the Amount or Value of One thousand Pounds; and if any Person hereby deemed incapable to act shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Joshua Fidler, known by the Sign of the Falcon, in Chesterfield, on Tuesday Three Weeks next after the Day of the passing of this Act, and shall proceed to the Execution of this Act, and shall adjourn themselves to Matlock Old Bath-house, and shall then adjourn themselves from time to time, and hold their Meetings alternately at Chesterfield, and Matlock Old Bath-house aforesaid, as often as it shall be necessary for putting this Act in Execution, and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees at all their Meetings shall defray their own Charges and Expences.

Time and Place of Trustees Meeting.

Trustees to defray their own Expences.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment.

Provided always, and be it further enacted, That no Trustee shall be capable of acting as a Trustee under the Authority

to

Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

And be it further enacted, That a Trustee or Trustees nominated or appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is, and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted, That as often as any of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, under their Hands and Seals, to appoint another Trustee in the Room of such Trustee so dying or refusing to act, and Notice of the Time and Place of Meeting for the Election of such Trustee shall be given by the Clerk to the Trustees by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Fifteen Days before the Meeting for such Election; and the Person so appointed shall and may act in the Execution of this Act as fully as the Trustees hereby nominated are impowered to do.

Trustees may erect Turnpikes, &c. and take the following Tolls thereat.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gate or Gates, Turnpike or Turnpikes in, upon, or across the said Roads, and a Toll-house to each Gate or Turnpike, and shall demand and take the following Tolls before any Cattle or Carriage shall be permitted to pass through any or either of the said Gates or Turnpikes; that is to say,

The Tolls.

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

For every Horse, Mare, Gelding, or other Beast of Burden, 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;

Tolls vested in the Trustees.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as, a Toll; and the Money so to be raised is hereby vested in the said

said Trustees, and shall be disposed of, or assigned, to and for the Purposes, and in such Manner as is herein after mentioned; and it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall, under their Hands and Seals, from time to time nominate and appoint, to demand and take the Tolls hereby made payable: And if any Person or Persons subject to the Payment of the said Tolls, or any Part thereof, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such Seizing and Distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, or Goods, so seized and distained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges, shall be deducted.

Distress may be sold after 4 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon, in, or across, any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted, and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person passing through any other of the Gates or Turnpikes erected by virtue of this Act; and also to cause any Fence to be made across any open Moor or common Field or Place adjoining to any Part of the said Roads, to prevent Persons evading the Payment of the Tolls hereby granted: Provided no such Fence shall extend to the stopping up any Lane not to be repaired by this Act.

Trustees may erect Side-gates, and take Tolls thereat.

so as the same extend not to a Double Charge.

And be it further enacted, That no Turnpike erected by virtue of this Act shall be taken down and removed to any other Place, except by Order of the said Trustees, or any Seven or more of them.

No Turnpike to be removed, but by Order of the Trustees.

And be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected by

No Toll to be taken on these Roads, until 2 Miles of the Road next *Rowsly Bridge*, and 1 Mile next the *Chesterfield* Road be repaired.

virtue of this Act, or the Road leading from the Turnpike Road near Rowsly Bridge, to Wingerworth Church; nor on the Road leading from the Turnpike Road, near Rowsly Bridge, over Brampton Moor, to Chesterfield; until Two Miles of the said Road nearest to Rowsly Bridge, and leading to the Road from Chesterfield to Matlock Bridge, and also One Mile lying nearest to the said Road from Chesterfield to Matlock Bridge, and leading to the Turnpike Road near Rowsly Bridge, shall be well and sufficiently repaired, and shall be so determined to be by the said Trustees, or any Five or more of them;

Tolls to be paid but at Two Gates on these Roads;

And be it further enacted, That in case there shall be more than Two Gates or Turnpikes erected between the Town of Chesterfield and Matlock Bridge, or between the Town of Chesterfield and the Turnpike Road at Cross Green, or between Chesterfield and the Turnpike Road near Rowsly Bridge, no Person having paid the Tolls at Two of the said Gates or Turnpikes on the said respective Roads, shall be liable the same Day to pay any Toll at any other Gate or Turnpike erected on the said respective Roads for passing with the same Carriage or Cattle, such Person producing Notes or Tickets denoting such Payments; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis.

and but at One Gate on the Roads here mentioned.

And be it further enacted, That in case Two Gates or Turnpikes shall be erected between Slate-Pitt-Dale and Rowsly Bridge, or between Slate-Pitt-Dale and Darley Bridge, no Person having paid the Toll hereby granted at One of the said Gates or Turnpikes, shall be liable the same Day to pay any Toll at any other Gate or Turnpike erected between the said respective Places, for passing with the same Horse, or other Beast, laden with Coals only, or unladen going to fetch Coals only; 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.

Coals exempted from Toll at any Side Gate on the Road from *Chesterfield* to *Bakewell*.

And be it further enacted, That in case any Side-Gate or Turnpike shall be erected by virtue of this Act on the Road, or within the Distance of half a Mile from the Road, leading from Chesterfield through Edensor, to Bakewell, no Toll shall be demanded or taken at any such Gate or Turnpike for any Horse, or other Beast of Burthen, laden with Coals only, or returning unladen, having delivered such Loading, or going unladen to fetch Coals, or returning laden with Coals.

Particular Exemptions from Toll on the Roads here mentioned.

And be it further enacted, That in case any Side-Gate or Turnpike shall be erected by virtue of this Act on the Road leading from Chesterfield to Edensor, no Toll shall be

be demanded or taken at any such Gate or Turnpike for any Horse, or other Beast, drawing any Carriage, or laden with Coin, Meal, Lead, or Red Lead, going to, or returning from, any Mill or Mills at or near Holymoreside, or at or near the Road leading from thence to Chesterfield; nor for the Carriage or Cattle of any Person or Persons residing at or near Brampton Moor, the Sun Lane or Wadshelf, and Holymoreside, within the Parish of Brampton, or such Parts of Walton and Harwood as adjoin, or lie near to, the said Parish of Brampton; such Carriage or Cattle being laden with the Produce, or any Thing for the Consumption of their Families or Farms lying in the said respective Places; save and except such Toll or Composition as the said Trustees, or any Five or more of them, shall order and direct, until a Sum of Money be raised sufficient to discharge the Expence of repairing the Road from such Side-Gate or Turnpike, to the Turnpike Road leading from Chesterfield to Hernstone Lane Head. Exception.

Turnpikes and Toll-houses, and Materials for Repair of the Roads, vested in the Trustees.

And be it further enacted, That the said Gates or Turnpikes, and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name of their Treasurer or Clerk; or to prefer, and order and direct the preferring, of Indictments, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Roads.

Application of the Tolls.

And be it further enacted, That 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 Five 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 to no other Use or Purpose whatsoever.

Trustees may lessen the Tolls.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to the greater Part of the Money borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted for such Time as the said Trustees, or any Seven or more of them, shall think proper; and such Tolls so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing such Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Carriage or Cattle Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Trustees may compound with Travellers.

And be it further enacted, That the said Trustees, or any Five or more of them, may, from time to time, compound for any Time not exceeding One year with any Person or Persons (except Common Carriers) using to travel through all or any of the Gates or Turnpikes erected by virtue of this Act, for any Sum of Money, for and in lieu of the Payment of the said Tolls; which Composition-money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment; and shall be applied towards the Repairs of the said Roads.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease, to any Person or Persons, by the Year, or otherwise, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemption from Tolls.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage laden with any Materials for repairing any Road or Highway, or for Compost of any Nature or Kind whatsoever for manuring

of any Garden, or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof, or for any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the several Townships or Hamlets in which the said Roads hereby intended to be repaired do lie; or for any Turf, Heath, or Peat, for Fuel, to be used by the Inhabitants of the several Parishes through which the said Roads lie, and got within the several Parishes wherein the said Inhabitants respectively live; or for any Coaches, or other Carriages, 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 of any Person or Persons going to and from Church, or other Place of Religious Worship, they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Roads lead; or for any Cattle or Carriage carrying Corn to any Mill to be ground, or returning empty having delivered such Loading, or going unladen to fetch such Corn ground, or returning laden therewith, such Corn being the Property of any Inhabitant of the Mill or Hamlet, or the next adjoining Mill or Hamlet, where such Corn shall be ground, and being for the Use and Consumption of such Inhabitant only; or of any Person or Persons who shall cross any of the said Roads only; or for any Horse, or other Cattle, going to, or returning from, Pasture or Water; or for any Post-horse or Vehicle carrying the Mail; or for the Horses of any Officers and Soldiers on their March, or for Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Penalty on Persons going thro' or permitting private Passage.

And be it further enacted, That if any Person or Persons whomsoever owning or occupying any Land near to any Gate or Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle or Carriage; or if any Person or Persons shall, with any Cattle or Carriage, pass through any such Gate, Passage, or private Way; or

or taking off Horses;

if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Cattle or Carriage; or if the Owner or Driver of any Carriage, or Beast of Burthen, shall unload, or cause to be unloaded, such Carriage or Beast of Burthen, either in the Whole or in Part, on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid, lessen, or alter the regular Course of Payment of any of the Tolls hereby granted; or if any Person or Persons shall give to, or receive from, any Person or Persons, any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person or Persons shall forcibly pass through any such Gate or Turnpike with any Cattle or Carriage, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, and may, and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all

all the Monies that shall be due thereon, to any other Person or Persons.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers, and other Persons, or any or either of them, from time to time, to remove, and to appoint others in case of Death or such Removal: And may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable. Trustees to appoint Officers, and remove them, and appoint others. Trustees to allow Officers Salaries.

And be it further enacted, That all and every such Officers and other Persons shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify, upon Oath, any such Account, or to make such Payment as aforesaid; then any One or more Justice or Justices of the Peace for the County of Derby shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County, there to remain without Bail or Mainprize until he or they shall make and render a full, true, and perfect Account, and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive Officers to account upon Oath. Officers refusing to account, Justices to inquire into the Default, and commit the Offender, until he shall conform, or compound for the same.

the

the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Clerks not delivering up their Books, &c. to be committed.

And be it enacted, That if the Clerk or Clerks to the said Trustees shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for any Two Justices of the Peace, upon Complaint thereof made to them, by Warrant under their Hands and Seals, to commit such Clerk or Clerks to the Common Gaol of the County wherein the Offender or Offenders shall dwell, there to remain without Bail or Mainprize until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable concerning the said Books, Papers, and Writings.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Victuallers, &c. not to have a Place of Profit.

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of Publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

And be it further enacted, That the Surveyor or Surveyors, appointed by the said Trustees, or any Seven or more of them, or the Person or Persons appointed by such Surveyor or Surveyors, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste, Common, or Moor, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Roads, without paying any Thing, for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes,

without paying for the same; levelling the Pits;

and

and levelling the Ground, or making and continuing a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, Common, or Wood, near to, or at a convenient Distance from the said Roads, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of, and from any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying, or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed, as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County of Derby, where the said Materials shall be so cut, digged, gathered, taken and carried away, shall and may, on Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode with some one of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein, shall be final and conclusive to all Parties.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted, That the said Surveyor or Surveyors, or any other Person or Persons by them or either of them appointed or employed, may, and is, and are hereby authorized and impowered, to make or cause to be made any Causeways, in or along the Sides of any Part or Parts of the said Roads, and shall and may build, or cause to be built, any Bridges upon, in, or across, the said Roads, or any Part thereof; and to cut, or cause to be cut, any Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads,

Surveyors may make Causeways, and cut Drains, &c.

erect Bridges, &c.

cut Drains, &c.

or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a Publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, as aforesaid: And in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Derby, from time to time to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors.

Penalty on a second Offence.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into, or out of, any Part or Parts of the said Roads, shall not, in a proper Manner, cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall, for that Purpose, be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof, as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Owners neglecting to scour Ditches, &c. after Notice given.

Surveyors may cause the same to be done,

and levy the Charge by Distress and Sale.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as

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

as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them; and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may, by the said Trustees, be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or

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

or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, 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 or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Derby; (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments: 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 be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses; (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own, as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

session, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same;

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

And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Derby, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed, and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, 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 of them, acting in the Premisses, shall have full Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the

Jurors may be challenged.

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

said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied; so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10 *l.*

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be laid into, and made Part of, the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be, from thenceforth, Part of the said Roads for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be compleated, the Lands and Grounds comprized in, or constituting, the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the Repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Derby, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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

Lands when purchased, to be made Part of the Road,

and deemed a publick Highway, and kept in Repair as such.

Old Road may be sold.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard,

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

Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

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: For Remedy whereof, be it further enacted, That when any Part of the said Roads over any Moor, Common, Waste Grounds, Open Fields, or Pastures, shall be made and repaired in pursuance of this Act, the said Roads shall for ever thereafter be and remain Forty Feet broad, and shall be deemed publick and common Highways.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair, the same Parts of the same Roads, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do: And that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work, in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, as the said Trustees, or any Five or more of them, shall direct or appoint; and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized, shall direct or appoint: And that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards

Inhabitants to do Statute-work.

Persons renting 50 *l. per Ann.* to be deemed Team-holders.

towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meetings of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and 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.

Parish Surveyors to give in Lists of the Persons who are chargeable to do Statute-work, &c.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors, appointed by the said Trustees, be directed or appointed to do; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of

Penalty on Surveyors not delivering in such Lists.

Penalty on Persons not performing Statute-work.

this Act shall be deemed to keep a Team or Teams, for every Day's Work 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 keep a Team, for every Day's Work, the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may, and is, and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Works.

Persons found idle to be turned off.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the said Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment, and the Justices in their said Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any

Surveyors may appeal to the Justices to proportion Statute-work.

Town, Parish, Hamlet, Village, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal, to the Surveyor or Surveyors appointed by the said Trustees.

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

And be it further enacted, That in case any Road or Way over any Moor or Waste Ground, shall, by virtue of this Act, be turned or diverted, the Inhabitants of the Parish or Place wherein such old Road or Way shall lie, shall not be obliged to repair such old Road or Way, unless the same leads to some other Town, Village, or Place, than the new Road leads, and such old Road shall be disused and discontinued.

Trustees not to repair paved Streets.

And be it further enacted, That nothing herein contained shall authorize the said Trustees to repair the paved Streets, in any of the Towns or Places through which the said Roads lead; or to repair any ancient Bridge or Bridges over which the said Roads lead.

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

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Millstones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Mile-stones to be set up on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively do lead, as they or any Five or more of them shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand

Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed; which Warrants the said Justice or Justices is and are hereby impowered and required to grant upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Session.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement of any Justice or Justices of the Peace which shall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement, he, she, or they causing reasonable Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their Session, upon due Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the

Notice of Appeal to be given.

said

said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form only;

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and 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 to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto, 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 shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor removeable by *Certiorari*.

Distress not to be deemed unlawful for want of Form,

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

Plaintiff not to recover, if Tender of Amends shall have been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries, of all the Monies which shall be collected, and received, laid out, expended, and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, for puting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons,

shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless Seven Trustees are present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present, and consenting thereto.

Commencement and Continuance of the Tolls.

And be it further enacted, That this Act, and the several Tolls, Authorities, and Powers hereby granted and made payable, shall commence and have Continuance from and after the passing this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained; such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers, in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same,

General Issue.

Treble Costs.

same, as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

Publick Act.

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

FINIS.