Anno quarto

Georgii III. Regis.

An Act for continuing and enlarging the Term and Powers of an Act made in the Twenty sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from the West End of the Town of* Burton upon Trent, *in the County of* Stafford, *through the said Town, to the South End of the Town of* Derby, *in the County of* Derby.

WHEREAS by an Act made in the Twenty sixth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road from the West End of the Town of *Burton upon Trent*, in the County of *Stafford*, through the said Town, to the South End of the Town of *Derby*, in the County of *Derby*, several Tolls, Duties, and Powers, were granted to certain Trustees in the said Act mentioned, which were to continue for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament:

Preamble, reciting 26 *Geo.* II.

ment: And whereas the said Trustees have proceeded in the Execution of the said Act; but the said Road cannot be effectually amended, unless the Term and Powers of the said Act be further continued and enlarged; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said former Act, and all and every the Tolls or Duties, Powers and Clauses, therein contained, shall be and continue in full Force, and be executed, from and after the Expiration of the Term granted by the said former Act, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully as if the same were herein again repeated and re-enacted in the Body of this present Act, which said additional Term, and the Tolls or Duties, Powers, and Clauses, hereby continued and granted, are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Act or this Act, and the Interest due and to grow due on the same.

Trustees Names.

And be it further enacted, That Francis Ashby, the Reverend Henry Ashhurst Clerk, Samuel Allsopp, the Reverend Booth Clerk, William Butter M.D. Isaac Hawkins Browne, Theophilus Brown, John Bateman, William Butts, William Bass, George Brentnall, the Reverend Richard Brereton Clerk, the Reverend James Bingham Clerk, the Right Honourable John Cavendish commonly called Lord John Cavendish, William Cotton the younger, Joshua Crompton, Daniel Parker Coke, William Chase junior, Thomas Clarke, the Reverend Joseph Dixon Clerk, Thomas Dicken, the Reverend Sir John Every Baronet, William Evans, Thomas Evans, William Edwards, Henry Evans, William Forrester, William Fallows, William Fowler, William Goodman, Robert Grayson, Christopher Horton, the Reverend John

Hepworth Clerk, the Reverend Charles Hope, Clerk, Chriſtopher Heath, John Hope, John Henſhaw, the Reverend John Le Hunt Clerk, William Merrell Lockett, Edward Becher Leacroft, Thomas Lord, William Leaper, Hans Wintrop Mortimer, Charles Mundy, Thomas Macklin, Ralph Melland, John Meynell, Roger Noell, Thomas Noell, Edward Sacheverell Pole, the Reverend John Pickering Clerk, Edward Eaſtman Pickering, Launcelot Rolleſton, John Rotton, Robert Joſeph Rotton, Samuel Rowland, the Honourable Robert Shirley, James Shuttleworth, Robert Shuttleworth, James Shuttleworth junior, William Leaper Smith, William Strelley, Thomas Stamford, the Reverend John Seale Clerk, Joſeph Shirley, Joſeph Tatlow, John Turner, Edward Wilmot the younger, John Wright, Samuel Wilde, John Webſter, Benjamin Wilſon, and William Wyatt, ſhall, from and after the paſſing of this Act, be added to and joined with the Truſtees appointed by or in purſuance of the ſaid former Act for putting the ſaid former Act and this preſent Act in Execution; and the Truſtees herein before nominated are hereby impowered to act in the Execution of the ſaid former Act and this preſent Act, as fully and effectually, with ſuch Qualifications, and in ſuch Sort and Manner, to all Intents and Purpoſes, as if they had been appointed Truſtees by the ſaid former Act; and the Truſtees appointed by or in purſuance of the ſaid former Act and this preſent Act, or any Seven or more of them, ſhall have the ſame Authority for electing new Truſtees from time to time, inſtead of ſuch of the Truſtees hereby appointed, and their Succeſſors, who ſhall die, refuſe, or refuſe to act, as is authorized for the Choice of new Truſtees in the ſaid former Act.

Penalty on Toll-gatherers refuſing to deliver Poſſeſſion of Turnpikes, &c.

And be it further enacted by the Authority aforeſaid, That if any Toll-gatherer, or Perſon appointed by the ſaid Truſtees, or any Five or more of them, in purſuance of the ſaid former or this Act, to collect and receive any of the Tolls by the ſaid former or this Act granted, ſhall at any Time or Times neglect or refuſe to quit his Employment, conformable to the Order or Orders of the ſaid Truſtees, or any Five or more of them, and to deliver up the Poſſeſſion of the Turnpike or Toll-gate, and Toll-houſe, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, and ſhall be convicted of ſuch Neglect or Refuſal before One or more Juſtice or Juſtices of the Peace of the County or Place, either upon Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, then it ſhall and may be lawful to and

for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the said County of Stafford or Derby, where the Matter shall arise, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike or Toll-gate, and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed and appointed in Manner aforesaid; and also to bring the Toll-gatherer or Toll-gatherers, Collector or Collectors, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the common Gaol for the said County of Stafford or Derby, there to be confined for any Time not exceeding the Space of Three Calendar Months.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act shall, as soon as conveniently may be, be paid out of the Money raised or to be raised by virtue of the said former or this present Act.

Limitation of Actions.

Provided always, and be it 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 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 Stafford or Derby, 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 Actions, after the Defendant or Defendants shall have

General Issue

appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the 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. Treble Costs.

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. Publick Act.

FINIS.