Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Road from *Derby* to *Mansfield*, in the County of *Nottingham*; and several other Roads therein mentioned.

WHEREAS the Roads leading from the West End of a Street in the Town of Derby, called the Bridge Gate, through the Liberties of Little Chester, Breadsal, Morley, Smalley, Kiddersley, Heanor, and Langley, over the River Erwash, in the County of Derby; and from thence through the Liberties of Eastwood, Brinsley, Selston, Felley, and Annesley, to the Town of Mansfield, in the County of Nottingham; and from Eastwood aforesaid, through the said Liberty of Eastwood, and the Liberties of Newthorpe, Greasley, and Kimberley, to the West End of the Town of Nutthall, in the said County of Nottingham; and from Awsworth Chapel, in the Parish of Nutthall aforesaid, to the intended Turnpike Road leading from Eastwood to Nutthall aforesaid; and from the Turnpike Road at the Preamble.

End of Smalley Liberty, over Heanor Common, to Lane in Shipley Liberty, called the Field Lane, and from thence to the Road upon Shipley Common, leading from Hallack Lane to Ilkeston, are in a ruinous Condition, and in several Parts very narrow and incommodious, and the said Roads cannot effectually be amended and kept in Repair by the ordinary Course 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 William Wilmot, Baronet, Thomas Anson, Henry Heavey Aston, Esquires, the Reverend Allen Clerk, the Reverend John Addenbrooke Dean of Lichfield, Francis Ashby, Thomas Allsopp, the Reverend William Astley Clerk, Samuel Allsopp, the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck, Sir Robert Burdett Baronet, Francis Burdett, Philip Barnes, Thomas Beaumont, Thomas Bainbrigge, Brooke Boothby, John Tempest Borrow, William Brookes, Thomas Borrow, John Borrow, Richard Beresford, Hugh Bateman, Joseph Briggs, John Caye Brown, Martin Bird, George Buckstone, William Bilbie, Joseph Baggaley, the Reverend Scrope Beardsmore, D. D. the Reverend John Boultbee Clerk, the Reverend Booth Clerk, the Reverend John Bayley Clerk, the Reverend Roland Bakewell Clerk, Thomas Boote, William Butler M. D. Thomas Bark, Theophilus Brown, Charles Bellamy, Richard Bourn, John Barber, Robert Barber, Thomas Barber, Robert Bakewell, Thomas Bennett, John Bloodworthy, John Bingham, Thomas Bingham, Joseph Bingham, John Bateman, Thomas Bennett the younger, James Butterfield, William Butts, James Bingham, George Brenthall, John Bullivant, the Reverend Richard Brereton Clerk, the Reverend George Brough, the Right Honourable Charles Cavendish, commonly called Lord Charles Cavendish; the Reverend James Bingham Clerk, the Right Honourable George Cavendish Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called Lord John Cavendish; Godfrey Clarke, Wenman Coke, Ashton Curzon, Thomas Coke, William Cotton, William Cotton the younger, Samuel Crompton, Joshua Crompton, Henry Cope, Robert Cheshire, Sampson Copestake, Godfrey Clarke the younger, William Chaworth, Charles Chaworth,

Trustees Names.

Langford Cotton, Job Staunton Charlton, Daniel Parker Coke, the Reverend John Clayton Clerk, the Reverend William Chambers D. D. the Reverend Chappell Clerk, John Collen, Sampſon Copeſtake the younger, William Chappell, Richard Clayton, William Chaſe, the Reverend William Clark Clerk, Thomas Cotes, Samuel Coleclough, William Clark, George Clarkſton, William Chaſe junior, John Corden, Chriſtopher Coltcough, Samuel Creſſwell, Edward Crynes M. D. Richard Dale, John Dowdeſwell, James Dymock, John Davſon M. D. John Daykeyne, Charles Drury, the Reverend Joſeph Dixon Clerk, the Mayor and Recorder of Derby for the time being, the Reverend Sir John Every Baronet, Henry Eyre, William Edge, William Evans, Ralph Edge, Thomas Eaton, Thomas Evans, John Eggington, William Elliot, William Edge, William Edwards, William Fitzherbert, William Forreſter, Richard Fitzherbert, John Fletcher, William Flamſtead, Gooders Fletcher, Thomas Filher, the Reverend John Fitzherbert Clerk, William Fallows, William Folds, Thomas Froſt, John Farnworth, William Fowler, William Fox, Samuel Fox, Gilbert Fox, Samuel Fox, John Giſborne, Philip Gell, the Right Honourable George Harry Grey Eſquire, commonly called Lord Grey; the Honourable Booth Grey, Joſeph Greaves, Philip Gell M. D. William Greaves, Thomas Gell, William Goodman, the Honourable John Grey junior, John Greaſly, Edward Gould, Thomas George, the Right Honourable Lord Viſcount Howe, Sir Henry Harpur Baronet, Sir Henry Hunloke Baronet, Brabazon Hallows, the Reverend Chaworth Hallows, John Hewett, William Howe, Charles Harpur, Nicholas Hurt, Francis Hurt, Chriſtopher Horton, Richard Hayne, John Handford, John Heath Eſquire Mayor of Derby, Caleb Hardinge M. D. William Hunter, Thomas Vickers Hunter, William Hope M. D. the Reverend Charles Hope Clerk, Samuel Heathcote, Chriſtopher Heath, John Hope, Francis Hawkſly, Roger Hunt, Mark Huiſh, John Kay, the Reverend Richard Sherkby Clerk, Sir Matthew Lamb Baronet, Sir Atwell Lake Baronet, John Lowe, Samuel Lowe, William Lowe, Peniſton Lamb, John Leacroft, Richard Lowe, the Reverend John Le Hunt Clerk, Thomas Leacroft M. D. Joſeph Lupton, Robert Leacroft, William Merrell Lockett, John Litchfield, Richard Lipfrot, Edward Becher Leacroft, Thomas Lord, Philip Lander, William Leaper, the Right Honourable John Manners, commonly called Marquis of Granby; Sir Charles Molyneux Baronet, Mundy Muſters, James Mac Cullough, Hugo Meynell, Edward Mundy, Charles Mundy,

Mundy, Francis Mundy, Francis Noel Clarke Mundy, Edward Mundy the younger, Thomas Macklin, Leigh Master, George Mellor, Isaac Wintrop Mortimer, George Moorwood, John Morton, Frederick Montagu, Richard Mills, William Mills, the Reverend Thomas Manlove Clerk, Ralph Melland, John Meynell, Thomas Morris, Samuel Milner, John Milner, Thomas Mettam, John Newton, Pendock Neal, Peter Nightingale, William Newsholme, Roger Noel, Thomas Noel, the Reverend Thomas Nixon, Lancelot Newton, Richard Noton, Gilbert Nevil, Thomas Oldknow, the Right Honourable Lord John Pollington, Sir Thomas Parkyns Baronet, Sir Mark Parsons Baronet, Germain Pole, Edward Sacheverell Pole, John Plumptre, Girton Peake, the Reverend Septimus Plumtre Clerk, the Reverend Matthew Pilkington Clerk, the Reverend Thomas Pugh Clerk, the Reverend John Pickering Clerk, William Partridge, Henry Poole, William Pegg, Thomas Phillips, the Reverend John Rolleston Clerk, Lancelot Rolleston, Christopher Rolleston, Francis Rivett, Richard Redfern, John Rotton, Anthony Radford, Robert Joseph Rotton, John Radford of Hill Top, Francis Radford, John Radford of Stanley, Samuel Rowland, the Right Honourable George Sutton, commonly called Lord George Sutton, Sir George Savile Baronet, Sir Charles Sedley Baronet, the Honourable Robert Shirley, the Honourable Thomas Shirley, James Shuttleworth, Robert Shuttleworth, Thomas Smith, James Shuttleworth junior, John Sherwin, Abel Smith, Henry Porter Sherbrook, Cope Sherbrook, Arthur Charles Stanhope, Joshua Smith, William Leaper Smith, Joseph Stubbings, Richard Strey, Nicholas Strey, the Reverend Robert Stanier, William Strelley, Thomas Stamford, John Simes, John Smith, William Southwell, the Reverend John Seale Clerk, the Reverend John Taylor D. D. Nicholas Thornhill, Henry Thornhill, Thomas Thoroton, Anthony Tillington, Exuperius Turner, Turner, Henry Tatam D. D. Jonathan Truman, Beaumont Topott, Joseph Tatlow, John Tomlinson, John Turner, the Honourable George Venables Vernon Esquire, Sir Edward Wilmot Baronet, the Honourable Thomas Willoughby Esquire, Sir Robert Wilmot Knight, the Honourable Sir John Eardley Wilmot Knight, One of his Majesty's Justices of the Court of King's Bench, Robert Mead Wilmot, Edward Willoughby, Thomas Williamson, Robert Willoughby, the Reverend Richard Wilmot D. D. Hugh Wood, Edward Wilmot, the Reverend John Wood, Joseph Ward, Staunton Degge Wilmot, Francis Ballidon Wilmot, John Watson, Thomas Whitworth, Edward Wilmot

Wilmot the younger, the Reverend Joshua Winter Clerk, the Reverend George Wakefield Clerk, John Wright Town Clerk of Derby, the Reverend Henry Offley Wright, Richard Wright, Icabod Wright, Richard Whitby, Hugh Wood, John Wright of Nottingham, Richard Ward, Samuel Wilde, Thomas Wright, John Wood, George Ward, Samuel Wire, John Webster, Adam Young, and their Successors, to be elected in the Manner herein aftermentioned, shall be, and are hereby appointed Trustees for putting all the Powers of this Act in Execution.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet at the House known by the Sign of The King's Head, in the Town of Derby, in the County of Derby, on that Day Month next after the passing of this Act, and 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 the said Roads, as they the said 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, 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, or by Advertisements in the Derby and Nottingham News Papers, at least Ten Days before the next Meeting, appoint the said Trustees 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 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 Eleven Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of the Powers

In Default of a sufficient Number to act, Meeting to be adjourned.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor to be revoked unless 9 are present.

No Trustee to accept a Place of Profit arising from the Tolls.

Powers hereby granted, during the Time 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.

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

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 by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect One other Person, living in the said County of Derby or Nottingham, or in the Town and County of the Town of Nottingham, 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 erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Person or Persons in whose Place or Places they shall be chosen were vested with.

10 Days Notice thereof to be given.

Qualification of Trustees.

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 of the clear 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 at Westminster, 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.

Penalty on acting, not being qualified.

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And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads, and also One or more Toll-house or Toll-houses, in and upon the same; and pull down and remove the same, as they the said Trustees, or any Nine or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Nine 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, Trustees may erect Turnpikes and Toll-houses, and take the following Tolls thereat.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chaise Marine, or Hearse, drawn by Six Horses, or other Beasts, the Sum of One Shilling and Six Pence; and drawn by Four Horses, or other Beasts, the Sum of One Shilling; and drawn by Two Horses, or other Beasts, the Sum of Six Pence; and for every Chaise or Chair drawn by One Horse, or other Beast, the Sum of Three Pence. The Tolls.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three Pence.

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

For every Pair of Mill-stones or Block of Stone, or Timber, drawn by Five or more Horses, or Beasts of Draught, the Sum of Two Shillings and Six Pence.

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

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.

Provided always, That no more than Two Third Parts of the Tolls herein before-mentioned, shall be taken at any Turnpike to be erected by virtue of this Act, for any Waggon, Wain, Cart, or other Carriage, laden Proviso.

only with Coals or Coaks; nor shall any more than One Halfpenny be taken at any such Turnpike, for any Horse, or other Beast, being laden only with Coals or Coaks; any thing herein contained to the contrary notwithstanding.

Tolls to be levied by Distress and Sale.

And 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, Cattle, or 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 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 Trustees, and shall be applied, or may be assigned, in such Manner, as is herein after mentioned.

Tolls vested in Trustees.

Trustees may erect Sidegates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or By-way that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue of this Act; so as the same do not extend to a double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

and take Tolls thereat,

so as the same do not extend to a double Charge.

Proviso.

Provided always, That no Person shall pay Toll who shall not go above One hundred Yards upon the said Roads.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, if they think proper, erect, or cause to be erected, at any of the Gates or Turnpikes erected by virtue of this Act, or at such other convenient Place or Places upon the said Roads as the said Trustees, or any Nine or more of them, shall think fit, any Crane, Machine, or Engine, for weighing of Carts, Waggons, or other Carriages, which shall pass or repass on any Parts of the said Roads, and shall and may, by Writing under the Hands of the said Trustees, or any Nine or more of them, order and direct all and every or any of such Carts, Waggons, or other Carriages, which shall pass or repass on the said Roads, together with the Loading thereof, to be weighed; And if any Person or Persons shall unload, or cause to be unloaded, any Goods or Merchandizes, before he, she, or they, shall come to any Gate, Turnpike, Machine, or Engine, erected by virtue of this Act, by wirty Force or otherwise attempt to prevent, hinder, or obstruct, the Weighing of any such Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken, by any Statute of this Realm, which now is or which hereafter shall be made and in Force for the Preservation of the publick Roads of this Kingdom, for every Cart, Waggon, or other Carriage, which shall weigh more than by Law they ought to weigh; every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or their Treasurer or Treasurers for the time being, the Sum of Forty Shillings, to be recovered and applied in Manner herein after-mentioned.

Trustees may direct Weighing Engines.

Tolls to be let by Public Sale.

Penalty on obstructing the weighing of Carriages.

Tolls vested in Trustees.

Trustees may erect Side-Gates, &c.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes, Toll-houses, and Weighing Engines, to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected 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 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.

Turnpikes, Toll-houses, &c. vested in the Trustees.

and take Tolls thereat.

So as the same do not extend to undue Charge.

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Provided also, and it is hereby enacted by the Authority aforesaid, That no Gate or Turnpike to be erected

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

ed or set up by virtue of this Act, shall, at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the said Trustees, or any Eleven or more of them, at a publick Meeting assembled, whereof Fourteen Days Notice shall be given in Writing, to be affixed on all the Turnpikes which shall be then erected by virtue of this Act, or by Advertisements thereof in the Nottingham and Derby News Papers.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or the Monies to be borrowed on the Credit thereof, the said 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 afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes, Toll-houses, and Weighing Engines, and of repairing, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

And whereas by an Act made in the Thirty second Year of the Reign of his late Majesty King George the Second, intituled, An Act for repairing and widening the Roads from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Newhaven*, and from the Four Lane Ends near *Oakerthorpe* to *Ashborne*, and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chappel en le Frith*, at or near *Longston*, in the County of *Derby*, and from *Selston* to *Annesley Woodhouse*, in the County of *Nottingham*, the Road from Selston to Annesley Woodhouse was declared to be a separate and distinct District from the other Roads mentioned in the said Act: And whereas by reason of the present Turnpike Road by this Act directed to be made, the Tolls collected on the said District of Road from Selston to Annesley Woodhouse may be diminished; be it enacted by the Authority aforesaid, That if it shall appear by a Certificate under the Hands of Seven of the Trustees appointed by the said Act made in the Thirty second Year of the Reign of his said late Majesty, and verified by the Oath of their Treasurer, to be made before One or more Justice or Justices of the Peace for the County of Nottingham (which Oath the said Justice or Justices is and are hereby impowered to administer) that the Tolls collected in the said District of Road from Selston to Annesley Woodhouse are diminished above Five Pounds a Year since the making

If the Tolls from *Selston* to *Annesley Woodhouse* be diminished above 5 *l. per Annum*, Trustees to pay the Deficiency.

of the Turnpike Road in pursuance of this Act, such Diminution to be computed from the Monies collected in the said District of Road from Selston to Annesley Woodhouse, at a Medium of Three Years, from the First Day of January, One thousand seven hundred and sixty one, to the Thirty first Day of December, One thousand seven hundred and sixty three, both Days inclusive; then, and in that Case, it shall and may be lawful to and for the Trustees, or any Five or more of them, by this Act appointed, and they are hereby authorized and required, within Three Calendar Months after the said Certificate shall have been produced to the said Trustees, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, to pay or cause to be paid, out of any of the Monies arising by virtue hereof, such Sum or Sums of Money as shall from time to time appear, by the said Certificate, to be so deficient in the Receipt or Collection of the said Tolls, between Selston and Annesley Woodhouse, which Sum or Sums of Money shall be paid to the Trustees appointed by the said Act of the Thirty second Year of his said late Majesty, or any Seven or more of them, or their Treasurer or Treasurers.

Turnpike to be given over on the Payment of Compensation.

Application of the Monies

Provided always, That such Certificate shall contain the Total Amount of the whole Tolls received, from time to time, without any Deductions whatsoever; and that in case the Tolls collected upon the said District of Road between Selston and Annesley Woodhouse shall at any Time hereafter be lessened or reduced by the Trustees appointed in pursuance of the said Act, the Trustees herein appointed shall pay only for such Deficiency rateably and proportionably, according to the Medium of the Receipt and Collection of the said Tolls as they were received in the said Three Years, from the First Day of January, One thousand seven hundred and sixty one, to the Thirty first Day of December, One thousand seven hundred and sixty three.

If the Tolls be lessened, Trustees to pay only the rateable Deficiency.

Provided also, That in case such Deficiency shall not be paid within Three Calendar Months after such Certificate shall have been produced as aforesaid, it shall and may be lawful to and for the said Trustees appointed by and in pursuance of the said Act, or any Seven or more of them, and they are hereby impowered, from time to time, to bring any Action or Actions in the Names of any Seven or more of them, or in the Name of their Clerk or Treasurer, for the Sum so certified to be deficient, and not paid, against the Trustees by this Act appointed, or any Five or more of them, or their

If Deficiency be not paid in 3 Months, Trustees may bring an Action, &c.

Clerk or Treasurer, and shall and may recover Double Costs, in case a Verdict shall be given for them in such Action or Actions.

Trustees may reduce the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said 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 all or any of the Tolls by this Act granted, and for such Time or Times as they the said 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 Trustees, or any Nine 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, as they the said Trustees, or any Nine or more of them, shall think fit; and such reduced Tolls, shall and may be collected, levied, and applied in such and the same Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the First Meeting, 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 said Tolls, 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, or by Advertisements in the Nottingham and Derby News Papers.

Toll to be taken at *Selston Lane* Turnpike.

Provided always, That a full Toll or Duty shall, during the Continuance of this Act, be demanded and taken for every Horse, Cattle, Beast, or Carriage, that shall pass through the Turnpike which the said Trustees shall, and are hereby required to erect, or cause to be erected on the South Side of the Lane called Selston Lane, in the Liberty of Annesley aforesaid.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages, in any one Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) than One Toll for the passing through all or any of the Turnpikes to be erected across, or on the Sides of the said Road between the said Town of Derby and the

Town of Heanor in the said County of Derby, more than One Toll for the passing through all or any of the Turnpikes to be erected across, or on the Sides of the said Road, between the said Town of Heanor, and the said Town of Mansfield; nor more than One Toll for the passing through all or any of the Turnpikes to be erected across, or on the Sides of the said Road, between the said Town of Heanor and the Town of Nutthall: But that all and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horses, Cattle, Beasts, and Carriages, through the Turnpike at which any such Toll was paid, and also through all the Turnpikes across, or on the Sides of such respective Parts of the Road respectively, wherein such Toll or Tolls was or were respectively paid, upon producing a Note or Notes, Ticket or Tickets, denoting the Payment of such Toll or Tolls; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis upon Receipt of the Toll.

Particular Exemptions from Toll.

Provided always, and be it enacted by the Authority aforesaid, That no more than Half Toll shall be demanded or taken at any Gate or Turnpike that may be erected at or near Eastwood aforesaid, or at the Gate on the East Side of a certain Lane called Malls Lane, as herein after mentioned, or at any Gate or Turnpike between Eastwood and the Highway leading from Kimberley to Wattnall, any thing herein contained to the contrary notwithstanding.

Proviso.

Provided always, and be it enacted by the Authority aforesaid, That a Gate or Turnpike shall be erected between the East Side of a Lane called Malls Lane, and the Highway leading from Kimberley to Wattnall, and that no other Gate or Turnpike shall be erected between that Gate and the Town of Nutthall; and that no Gate or Turnpike shall be erected in or upon a Lane called Sollon Lane, in the Liberty of Annesley aforesaid, nor in or upon any Part of the Road between that Lane and the Town of Mansfield; any thing herein contained to the contrary notwithstanding.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine 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 Roads, or any Part thereof, for all or any of the Tolls to be paid for or

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in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition-money shall be paid yearly 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 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 by virtue of this Act, 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 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 or going thro' private Passage, &c.

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 Beast; or shall take off, or cause to be taken off, any Horse, or other Cattle from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said 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,

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid Payment of the Tolls.

forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

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, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing any 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 Carriages or Horses laden with Coals or Coaks only coming from Denby, Harthay, Horsley, and Ripley Coal Pits, or any of them, the lower Road through Little Eaton; or for any Horses or Carriages belonging to, or laden with Goods being the Property of the Inhabitants of Denby, Harthay, Horsley, Ripley, Little Eaton, Breadsall, Combench, and Kilburn; or for any of the Cattle belonging to the Inhabitants of the said Towns, who shall come the lower Road through Little Chester; or for any Person or Persons residing in any Township in which the said Roads do 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 carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for Horses going to be shoed; 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 Counties of Nottingham or Derby, or of a Burgess or Burgesses to serve in Parliament for the Town of Derby, or for the Town and County of the Town of Nottingham, during the Time of such Election, or on the Day before or Day after such Election shall be given or be concluded: And if any Person shall

Exemptions from Tolls.

Penalty on making illegal Claims.

claim and take the Benefit of any of the Exemptions granted by this Act, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Tolls may be assigned for Money borrowed.

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, at their First or any subsequent Meeting, upon the Credit of the Tolls by this Act granted, to borrow and take up at 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 Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes erected by virtue of this Act, or by Advertisements in the Derby and Nottingham News Papers, at least Twenty Days before the borrowing of such Money; 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 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 Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

20 Days Notice to be given of borrowing Money.

Assignments may be transferred.

All Creditors to be deemed equal in Degree.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, from time to time, appoint such Officers and other

Persons

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 Trustees, or any Seven 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 Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect 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 Seven 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 Seven or more of them (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; 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 Trustees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven 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 Two or more Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Enquiry 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 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,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account.

Justices to enquire into the Default,

and commit the Offender, until Payment or Composition made.

aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they, or any Seven or more of them, 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.

Treasurer to give Security.

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

Toll-gatherers refusing to deliver Possession of Turnpikes, to be committed.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer or Person appointed by the said Trustees, or any Nine or more of them, in Manner herein before-mentioned, to collect and receive any of the Tolls by 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 Nine 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 Nine 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 where the Case shall happen, 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 County of Derby or Nottingham, 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 Nine 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 House of Correction for the said County of Derby or Nottingham, there to be kept to hard Labour for any Time not exceeding the Space of Three Calendar Months.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees, or any Seven or more of them, shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding. Trustees may appoint Collectors, tho' not at a publick Meeting.

Provided always, and be it enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act. No Victualler, &c. to hold any 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, 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, Gorse, Heath, Stones, Chalk, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lie, 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 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 done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable. Surveyors may dig Gravel, &c. without paying for the same: levelling the Pits. If sufficient Materials cannot be had there, they may be taken from private Grounds; making Satisfaction to the Owners.

Surveyors to remove Annoyances, &c.

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 Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said 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 they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the 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 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 Trustees, or any Five or more of them) shall be reimbursed to such 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 recovered 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 Forty Shillings.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

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 Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, except a Bridge in the Town of Derby, called Saint Mary's Bridge, 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

and also widen the narrow Parts of the Roads;

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 Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

Making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five 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 said Roads, through any Moor, 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 Five 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 Roads 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, 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 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 Five

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

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

or

or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five 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: 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 Roads is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days 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 Two 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, as well for their own as for the said Jury's Information in the Premisses. And after the said Jury shall have

Owners neglecting to treat, &c.

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

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 Two 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 of 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 and returned on such Jury, and shall not appear, or that shall refuse to be sworn

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

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

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 Five Pounds, nor less than Twenty Shillings, on any One Person, for One Offence.

Fine not to exceed 5 *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 by virtue of this Act, or out of the Monies to be borrowed upon the Credit of the said 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 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 Roads 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 Roads 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 Roads hereby appointed to be repaired are 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 completed, the Lands constituting the former Road, unless leading over some Wood or Waste Ground, or to some Village, Town, or Place, to which such new 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,

Lands, &c. when purchased, to be made Part of the Roads,

and esteemed a public Highway,

and kept in Repair as such.

Old Road may be sold.

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 said Roads. 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 injured.

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 old Road be turned, Inhabitants not liable to repair the same.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to carry the said Road over any private Lands or Grounds belonging to his Grace the Duke of Newcastle, lying and being in or near the Liberty of Brinsley in the said County of Nottingham, any thing herein contained to the contrary notwithstanding.

Road not to be carried over the Duke of *Newcastle's* Lands;

And whereas that Part of the Road which leads through the Parish of Annesley, in the County of Nottingham, might be made much nearer and more convenient for Travellers than at present; be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and required to carry the said Road up the Church Lane, facing the Stock's Hill, in the Town of Annesley, in a strait Line over the Old Parks to the Gate, and so on the West Side of a certain House now in the Possession of Richard Turner, through a certain Lane in a strait Line to the High Road from Derby to Mansfield.

but may be carried from *Church Lane* to the High Road from *Derby* to *Mansfield*.

Provided always, That the said Road shall not be of less Breadth than Forty Feet between and exclusive of the Ditches; and the said Road when made shall be deemed the publick Highway, and be repaired and kept in Repair in the same Manner as the other Roads are by this Act directed to be repaired and kept in Repair.

Roads to be 40 Feet wide.

And whereas William Chaworth Esquire, is the Owner and Proprietor of the Lands and Grounds before mentioned,

tioned, through which the said Road is directed to be carried, and is willing to accept the present Road now in Use, leading from a certain House called Gregory's House to the Pinfold, in the Road from the Old Mill to Annesley, in lieu of, and as a Recompence and Compensation for all his Right, Title, and Interest, in the said new Road hereby directed to be made; be it further enacted by the Authority aforesaid, That the said William Chaworth, his Heirs and Assigns, shall be divested of all Right, Title, Interest, and Property, of, in, and to the Ground and Land so made use of for the Purpose of the said new Road; and when and as soon as the said new Road shall be compleated, shall be seised of the Land and Ground constituting the old Road, and shall accept the same in lieu of and as a Recompence and Compensation for all his, her, or their Right, Title, Interest, and Property, in the said new Road; and the Land and Ground constituting the old Road shall for ever thereafter be vested in him, his Heirs and Assigns accordingly; any thing to the contrary thereof in any wise notwithstanding.

Property of old Road, on Completion of new one, vested in *W. Chaworth*, Esq;

Provided always, That no Hedges, Quickets, or Fences, shall be set or planted by the said Trustees in any Part of the said new Road, but the said Road shall be separated and parted off from the adjoining Lands by proper and convenient Ditches only.

New Road to be ditched off.

Provided also, That nothing in this Act contained shall prevent, or be construed to prevent, the said William Chaworth, his Heirs and Assigns, from setting up any Gate or Gates, for the Purpose of keeping out Cattle, that he or they shall judge proper, in any Part of the new Road hereby directed to be made in the said Parish of Annesley.

W. Chaworth Esq; may erect Gates, &c.

And whereas many Parts of the said Roads lie over Commons, Woods, and Waste Grounds, open Fields and Pastures; be it further enacted, That when any of the said Commons, Waste Grounds, open Fields and Pastures, shall be inclosed, there shall be left at the least Forty Feet betwixt the Fences which inclose any Part of the said Roads, which Space shall be deemed to be Part of the said Roads.

Roads over Commons, &c. to be 40 Feet wide.

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

Rents, &c. chargeable to the Highway, to continue so.

and

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 lie, 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 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 of 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 Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, 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 Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, shall from time to time direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and 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 said Roads, shall give Notice thereof to such Persons; and

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

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

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

if any Surveyor, Churchwarden or Overseer of the Poor for any such Town, Parish, or Place as 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 Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such 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 keep, a 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 Persons; 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 Works on the said Road as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees or 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 said Roads, or with any Person or Persons for the Performance of his 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,

or

tunity to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition Monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Roads; 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.

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

Surveyors paying the Composition Monies, how to be reimbursed.

And be it further enacted by the Authority aforesaid, That if any Person shall have or draw, or cause to be hawed or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stones (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.

Penalty on hauling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That the said 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

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

to

Persons apprehended may be brought before the Justice of the Division.

to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor less than One Calendar 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 before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, the Manner of levying and recovering whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively, before 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 such Justice of the Peace is 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 Hand and Seal of such Justice (which Warrant or Warrants such Justice is 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, or to their Treasurer, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, 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 Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Overplus Money to be returned to the Owner.

For want of Distress, Offender to be committed.

Provided

Persons aggrieved may appeal to the Quarter Session.

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, or causing to be given, Ten entire 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.

Distress not 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 Defect 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 Parties distraining deemed Trespassers *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 also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said 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, shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled as the 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.

Commencement and Continuance of this Act.

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.

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

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.

nor removeable by *Certiorari*.

Limitation of Actions.

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 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 where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead

General Issue.

specially, or the General Issue, Not guilty, and give this Act and the Special Matter in Evidence at any

Trial

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 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 Public Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Public Act.

FINIS.