Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Newcaſtle under Line* to *Haſſop*; and from *Middle Hills* to the *Macclesfield* Turnpike Road, near *Buxton*; and alſo the Road branching out of the ſaid firſt mentioned Road at *Cobridge*, to *Burſlem*; and to the *Uttoxeter* Turnpike at *Shelton*, in the County of *Stafford*.



WHEREAS the Road leading from Newcaſtle under Line, through Leek, in the County of Stafford, by Middle Hills, and through Longnor, in the ſame County, and through Monyaſh and Aſhford, in the County of Derby, to Haſſop, in the ſaid County of Derby; and alſo the Road branching out of the ſaid Road at Middle Hills aforeſaid, in the Pariſh of Alſtonefield, in the ſaid County of Stafford, to the Macclesfield Turnpike Road, near Buxton, in the ſaid County of Derby; and alſo the Road branching out of the ſaid firſt mentioned Road, in that Part of the Hill of Cobridge that lies in the Pariſh of Burſlem, in the ſaid County of Stafford, to the Houſe of Iſaac Cartlitch in Burſlem aforeſaid; and alſo the Road branching out of the ſaid firſt mentioned Preamble.

Road in that Part of the ſaid Hill of Cobridge that lies in the Pariſh of Stoke upon Trent, in the ſaid County of Stafford, to the Uttoxeter Turnpike in the Hill of Shelton, in the ſaid Pariſh of Stoke upon Trent, are become very deep and ruinous, and in many Places go over Moraſſes, Boggs, and Mountains, and are in other Places very narrow and incommodious, and cannot be ſufficiently widened, turned, altered, repaired, and kept in Repair, by the ordinary Courſe of 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,

Truſtees Names.

That the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Moſt Honourable John Manners, commonly called Marquis of Granby; Edward Arblaſter, William Armett, Thomas Anſon, George Adams, Eſquires; the Reverend Thomas Allen, Ralph Allen, Thomas Adams, the Reverend Richard Adams, Benjamin Adams, Thomas Allen, Richard Adams Clerk, Joſeph Adams, William Adams, William Adams of Bucknall, Sir Walter Wagſtaff Bagott Baronet, Sir Robert Burdett Baronet, William Bagot Eſquire, the Reverend Walter Bagot, Richard Wilbraham Bootle Eſquire, Brook Boothby Eſquire, Boothby Eſquire, John Badnall, Thomas Bourne, Ralph Bradley, Samuel Bradley, John Bagnall, Ralph Bagnall, William Bill, Thomas Baddeley, John Baddeley, John Brindley, Thomas Broom, George Broom, John Baddeley, Joſeph Boon, James Brindley, Joſeph Booth, Enock Booth, Hugh Booth, Richard Beech, William Bate, Joſeph Bucknall, Robert Bucknall, William Bourne, Thomas Bryan, John Broom, Thomas Broad, Thomas Boulton, Joſeph Bourne, William Banks, Joſeph Barker, Thomas Barker, Thomas Bourne Eſquire, John Barker, William Boſley, Alexander Barker, John Barker of Edenſor, George Blackden, Thomas Beech, Humphry Bretnor, the Reverend John Bullock, the Reverend William Bullock, John Beech of Shaw, William Broadhurſt, John Bagſhaw, Thomas Burdikin, Richard Bagſhaw, William Bagſhaw, John Bagſhaw, Joſeph Bott, George Barker, John Beſtwick, Samuel Boyer,

John Beckett, John Beckett junior, Thomas Boulton, Luke Bennett, William Beard, Nathaniel Beard junior, John Bowyer, Isaac Barber, Aaron Brown, John Breck Clerk, John Bourne, Sir John Chetwode Baronet, Thomas Cholmondeley Esquire, Edward Cheney Esquire, Captain Robert Cheney, James Clowes, William Condlyffe, Isaac Cope, John Creswell, Francis Cotes, Charles Chester, Samuel Chatterley, John Chatterley, Josiah Clowes, John Clowes, William Clowes, Thomas Crompton, John Clownam, Ralph Cartwright, John Cook, John Cantrell, Randle Colclough, Smith Child junior, Thomas Child, Jonathan Clewes Clerk, Charles Chatterly, William Colton, Sir Bryan Broughton Delves Baronet, John Daniel Esquire, Richard Davenport Esquire, Joseph Denham, John Daintry, Michael Daintry, Simon Debank, John Davenport, Joseph Dale, Thomas Daniel, Ralph Daniel, Sampson Daniel, Richard Debank, Joseph Denman, George Davison, Thomas Eyre Esquire, Samuel Egerton Esquire, the Reverend Samuel Evatt, Joshua Ellis, Rowland Eyre, Richard Edensor, Thomas Edwards, Henry Fowler Esquire, Hugh Ford, Thomas Fynney, James Fynney, John Fynney, Peter Flint, Richard Froggatt, Thomas Froggatt, Thomas Ford, Isaac Ford, William Ford, John Fenton, John Fenton junior, Thomas Fenton, Thomas Fenton junior, Robert Fowler Clerk, John Fernyhough Clerk, Thomas Fernyhough, William Fowler, Thomas Fletcher, Thomas Fletcher junior, John Fenton, Sir Nigell Gresley Baronet, the Honourable Booth Grey, the Honourable John Grey junior, Thomas Gilbert Esquire, William Gent, Thomas Godwin, Joseph Godwin, John Gilbert, William Greaves, Thomas Green, George Goodwin, Richard Gould, William Gould, John Goodwin, the Reverend Thomas Grove, John Gardom, James Grove, William Goodwin, John Gaunt, James Gaunt, Josiah Gaunt, George Greatbatch, James Godwin, Sir Henry Harpur Baronet, Bryan Hodgson senior, Robert Hodgson, Bryan Hodgson junior, John Hollins, William Honhewer Hall, Samuel Hilditch, William Hambleton, John Hulme, John Hales, John Hassells, William Heath, Joshua Heath, Thomas Hill, John Harrison, Richard Hollins, Thomas Heath, John Hand, Godfrey Heathcote senior, Godfrey Heathcote junior, John Harris junior, William Hall, Thomas Holme, Thomas Hulme, Michael Hall, William Hillard, Joseph Hollins, Thomas Hollins, Thomas Hatrell, Thomas Hatrell junior, Henry Hatrell, John Harding, Thomas Heath of Hanley, William Hyatt, John Hollins, Jonathan Hinton, Blest Hadderton, Roger Jennings, Clement Kinnersley

ſley Eſquire, William Key, Anthony Keeling, William Kinnerſley, Charles Keeling, Sir Peter Leyceſter Baronet, Peter Legh, Charles Legh, Harry Lankford, Robert Lawton, Eſquires; Samuel Lucas, James Lucas, James Lockett, Ralph Leek, Edward Leigh, Thomas Longſdon, Thomas Lomas, Thomas Lees, Obadiah Lane Clerk, Richard Lateward, John Lovatt Clerk, John Lovatt, Thomas Lovatt, Joſiah Lovatt, Sir William Meredith Baronet, Thomas Mills Eſquire, Thomas Mytton Eſquire, the Reverend Simon Mills, Joſeph Mellor, John Murhall, the Reverend John Middleton, William Mellor, John Mare, Richard Mollatt, John Maddock, Richard Myott, William Milnes Eſquire, John Milward, Thomas Melland, John Mare, Francis Mare, Ralph Moreton, Thomas Mills, William Mills, Thomas Maſon, Jeſſon Maſon, Thomas Mellor, John Marſh, Daniel Nixon, George Newton, the Mayor, Recorder, Juſtices, and Bailiffs of Newcaſtle, for the time being; Lord Chief Baron Parker, Thomas Parker, George Parker, John Parker, Eſquires; Humphry Palmer, Samuel Perry, Thomas Pickin, Thomas Pratt, Thomas Plant, George Plant, Thomas Price, John Plant, Thomas Palmer, Ralph Pool, Francis Rogers, Thomas Rogers, Peter Robinſon, William Read of Fields, William Read of Blackwood Hill, John Ripton, Samuel Robinſon, James Robinſon, John Gisburne Eſquire, William Fitzherbert Eſquire, William Oliver, Edmund Buxton, John Goodwin, Alexander Goodwin, Samuel Kidd, Thomas Melland, Henry Bowman, John Goodwin of Butcherſcroft, Robert Newton Eſquire, William Melland, William Edenſor, John Wilſon, William Hodskinſon, Richard Edenſor, Hugh Fletcher, Mica Hall, Thomas Lees Eſquire, John Twigg Eſquire, James Longſdon, William Longſdon, Joſeph Blackden, William Robinſon Clerk, John Richards, Robert Rhodes, Sir John Thomas Stanley Baronet, Thomas Stanley, Ralph Sneyd, William Swinnerton, John Sneyd, John Simpſon, Eſquires; the Reverend Edward Sneyd, Abraham Staffurth, Thomas Sutton, Benjamin Sutton, John Simpſon, Joſeph Stones, Thomas Simpſon, Joſeph Stevens, John Shrigley, John Smith, Ambroſe Smith, William Sherratt, Thomas Sherratt, Simeon Sherratt, Joſeph Snape, Joſeph Blackden Sheldon, Richard Smith, Richard Slater, James Simpſon, Ralph Sneyd, Edward Sneyd Clerk, Jeremiah Smith, William Sutton, Thomas Swinnerton, Benjamin Swinnerton, Thomas Shaw Grocer, Thomas Shaw, William Smallwood, James Smallwood, John Toft, Joſhua Toft, Robert Turnock, the Reverend Samuel Turnock, Samuel Turnock, Joſeph Turnock, A-

dam Turnock junior, the Reverend Daniel Turner, John Trott, John Taylor, William Taylor, Thomas Taylor, Thomas Taylor, Thomas Taylor, George Taylor, George Twemlow, Thomas Twemlow, Josiah Taylor, John Taylor junior, William Turner, Samuel Tellwright, John Twigg, John Terrick, John Williamson Esquire, Randle Wilbraham Esquire, the Reverend John Ward, Joseph Wardle, John Wardle, Richard Walthall, Thomas Walthall, Peter Walthall, James Whitehall, William Wood, Ralph Waller, John Wolf, James Wright, John Wilkinson, Richard Wilkinson, Samuel White, George White, John Wheeldon senior, Isaac Wheeldon, John Wheeldon junior, Richard Wheeldon, Anthony Wright, Thomas Whieldon, John Wedgwood, Thomas Wedgwood, Thomas Wedgwood, John Wedgwood, Steven Wood, Josiah Wedgwood, Carlos Wedgwood, Thomas Warburton, Joseph Warburton, Isaac Warburton, Jacob Warburton, Jacob Warburton, Richard Wedgwood, John Wedgwood, Thomas Wedgwood, Bowyer Leftwich Wynn Esquire, Henry Watson, John Ward Clerk, Samuel Whalley, John Weatherby, John Weatherby junior, William Whieldon, William Whieldon junior, Thomas Whieldon, and John Yates, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees, for surveying, ordering, widening, repairing, and keeping in Repair the said Road, and for putting in Execution all other the Powers hereby 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 Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One

Penalty on acting if not qualified.

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.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of William Davison, being the Sign of the Cock in Leek aforesaid, on the Day Three Weeks next after the passing of this Act, and proceed to the Execution of this Act; and shall adjourn themselves, from time to time, and hold their Meetings alternately; that is to say, The Second Meeting to be either at Monyash, Ashford, or Buxton; the Third Meeting either at Burslem or Cobridge; and the Fourth Meeting at Leek; and so on in Rotation, as often as it shall be necessary for putting this Act into Execution; and shall then chuse a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purposes: And

In Default of a sufficient Number to act,

if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and 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 happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the 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,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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 subsequent Order or Determination be revoked or altered at any subsequent Meeting, unless a superior Number of Trustees than were present at the making such Order or Determination shall concur therein; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this

No Order made to be repealed, &c. but at a publick Meeting.

No Trustee to accept of a Place of Profit.

Act;

Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested. Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with. On Death, &c. of Trustees, others to be chosen. 10 Days Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, cause to be erected on each and every of the said Roads, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads, and on the Side or Sides of the said Roads, or across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or on the Side or Sides, or across the same Roads; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken, before any Cattle or Carriages shall be permitted to pass through any of the same Tollgates or Turnpikes respectively (that is to say) Trustees may erect Turnpikes and Toll-houses, &c. and take the following Tolls thereat.

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

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

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

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

Tolls may be levied by Distress and Sale.

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 and may be lawful for the Person or Persons, appointed to collect such Tolls, to seize and distrain any Horse, or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space 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.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

No Turnpike to be erected within 2 Miles of *Newcastle*.

Provided nevertheless, and be it enacted by the Authority aforesaid, That no Gate or Gates, Turnpike or Turnpikes, shall be erected upon any Part of the said Road, within the Distance of Two Miles from the Town of Newcastle aforesaid; any thing herein contained to the contrary thereof notwithstanding.

No Turnpike to be erected between *Bakewell* and *Monyash*.

Provided nevertheless, and be it enacted by the Authority aforesaid, That no Toll-gate or Gates, Turnpike or Turnpikes, shall, at any Time or Times during the Continuance of this Act, be erected or set up on any Part of the Road between the Towns of Bakewell and Monyash; and that no Walls, Fences, Side-gates, or other Impediments, shall by virtue of this Act be made or set up, that may in any Manner hinder or obstruct the Road or Passage between the said Towns; any thing herein contained to the contrary thereof in any wise notwithstanding.

Trustees may remove Toll-takers.

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 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 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 where such Neglect or Refusal shall be, 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 or Place, 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 such Toll-gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice and Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Months.

No Toll to be taken for crossing the Road only.

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

Trustees may inclose Commons.

And whereas several Parts of the said Roads lead over Moors, Commons, and Waste Lands, and the Tolls or Duties by this Act imposed may, by reason of the great Width of such Moors, Commons, and Waste Lands, be easily avoided; be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby fully impowered, if they see Occasion, to make, or cause to be made, such Fences by the Side of the said Roads, or upon, over, or across the said Moors, Commons, or Waste Lands, in such Manner and Direction as they shall think necessary, so that the Payment of the said Tolls and Duties may not be avoided.

Property of Turnpikes and Toll-houses vested in Trustees.

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

lected 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 Treasurers, Clerk or Clerks, or to prefer, or order the preferring, of Indictments against any Person or Persons who shall injure or disturb them the said Trustees in the Possession thereof.

Charges of passing this Act to be paid out of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied upon or in respect of all the said Roads, or the Monies to be borrowed in respect 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 the Tolls and Monies to be collected and levied within, upon, or in respect of all the Roads hereby directed to be repaired, and the Monies to be borrowed upon the Credit thereof respectively, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the same Roads, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from time to time direct.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five 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 vary, lessen, or reduce, all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five 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 to order and direct such Tolls so lessened and reduced, or advanced, to be collected, received, taken, laid out and applied for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such 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 Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made unless Twenty Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then

and raise them again.

erected

erected by virtue of this Act, of the Intention to make such Reduction.

Provided always, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock of the succeeding Night, through any One Turnpike to be erected by virtue of this Act: But all and every such Person and Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll free, during such Day to be computed as aforesaid, through the respective Gates or Gate where such Payments or Payment respectively were or was made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll. Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five 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 of them, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly in Advance to the Treasurer or Treasurers of the said Roads; 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-money shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied. Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term 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 Five or more of them, shall direct or appoint; and Trustees may lease the Tolls.

the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on going thro' or permitting 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 Hereditaments, 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 Hereditaments, 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 virtue of this Act to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse, or other Cattle or Beasts, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll, every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Penalty on Persons, travelling for Hire, going into Bye-roads, to avoid paying the Tolls.

And be it enacted by the Authority aforesaid, That no Waggon, Cart, or other Carriage, travelling for Hire upon any of the said Roads, shall be drove or turned out of the same into any of the Roads adjacent, not being Turnpike Roads, in order to avoid, and thereby avoiding paying the Tolls and Duties appointed by this Act to be paid at any Gate or Turnpike which shall be erected for collecting and receiving the same, upon Pain of forfeiting any One of the Horses drawing such Waggon, Cart, or Carriage (not being the Thill or Shaft Horse) with all his Gears and Accoutrements, to and for the sole Use and Benefit of any Person or Persons who shall seize and distrain the same; and the Person or Persons making such Seizure and Distress shall proceed in like Manner, and be intitled to the like Remedies as is directed and given in Cases of Seizure of Horses, by an Act of Parliament made in the Fifth

Year

Year of the Reign of His Majesty King George the First, intituled, An Act for making more effectual the several Acts passed for repairing and amending the Highways of this Kingdom.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Roads in the Township in which such Roads do lie; or with Hay, Straw, or Corn in the Straw only, or Muck, Dung, Compost, or other Materials (Lime only excepted) for the manuring and improving of Land, 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, for manuring, cultivating, or improving of Land; or for any of the Carriages or Cattle aforesaid, going to or from any Corn Mill or Mills, upon or contiguous to the said Roads, or any of them; or to or for any Person or Persons residing in the Township in which any of the said Roads do lie, going to or from their proper Parochial Church, Chapel, Meeting-house, 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 Townships; or of any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from any Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger 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 Stafford and Derby, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any of the Cattle or Carriages aforesaid, going unloaden for, and returning loaden only with Lime or Lime Ashes, from any Kiln for the burning of Lime, within the Parish of Leek, through any Toll-gate that may by virtue of this Act be erected in or near to the East Side of the said Town of Leek, or at any Toll-gate that may by virtue of this Act be erected on the West Side of the said Town of Leek, provided such Cattle and Carriages do not travel further upon the said Road on the

Exemptions from Tolls.

the West Side the said Town of Leek than Endon Bridge in the said Parish of Leek.

Proviso. Provided also, That all Persons whomsoever, with their Cattle and Carriages, travelling to Leek Market through any Toll-gate to be erected between Leek and a Common on the West Side thereof, called Ladderedge, shall pay only Half the Tolls by this Act imposed; Cattle and Carriage travelling for Hire, and not carrying Commodities to the Market, excepted.

Proviso. Provided also, That all Persons, Cattle, and Carriages, shall travel between Leek and Newcastle under Line aforesaid, for the Payment of One Toll only.

Particular Exemptions. Provided also, That all Waggons and Carts, going unloaden for, and returning loaden only with Coal, for the particular Use and Consumption of the Pottery in Burslem, Cobridge, Shelton, Handley Green, and the other Potworks in that Neighbourhood, shall pay only the following Tolls, at any Toll-gate that may, by virtue of this Act, be erected in the said Village of Cobridge; (that is to say) Every Waggon Eight Pence, and every Cart Four Pence; and that all Horses and Cattle going for and returning loaden upon their Backs with Coal, for the particular Use and Consumption of the said Pottery, shall be exempted from the Payment of any Toll or Duty at such Toll-gate: And if any Person shall claim and take the Benefit of the Exemptions, or lessening of the Tolls, as aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety to the said Trustees, to be laid out on such Part of the said Road whereto the same shall relate.

Penalty on making illegal Claims, &c.

Tolls may be assigned for Money borrowed. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered, at their First or any subsequent Meeting, to borrow or take up at Interest, any Sum or Sums of Money upon the Credit of the Tolls payable by virtue of this Act; and to assign over and convey the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals; the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, 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 borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments and Conveyances 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 on the Credit of the said Tolls after such First Meeting, unless Notice be, for that Purpose, fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the Borrowing such Money: And all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be endorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments; for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all reasonable Times, be perused and inspected, without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on this Act in equal Degree one with another.

All Creditors to be deemed equal in Degree.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments, or other Securities, to be made in pursuance of this Act, or any or either of them.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and

and remove them, and appoint others.

from time to time to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; 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 Five or more

Trustees to allow Officers Salaries.

of them, shall seem reasonable: And all such Officers

Officers to account upon Oath.

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

Officers refusing to account,

any such Officer or Person shall not render or make, 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 Five or more of them, within Ten Days after being thereunto required, by any Five or more of such Trustees, all the Books, Papers, and

Writings in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons so neglecting or refusing, as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses, upon Oath, (which Oath such Justice or Justices is and are hereby impowpowered and required to administer, without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to

Justices to enquire into the Default,

and levy the Balance by Distress and Sale.

For want of Distress, the Offender to be committed.

to the Common Gaol for such County or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five 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 Five or more of them.

until he shall conform or compound for the same.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five 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 Five or more of them, shall appoint.

Treasurer to give Security.

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

Trustees may appoint Officers, tho' not at a publick Meeting.

Provided also, and be it further enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

Victuallers not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any Part of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of, and from, any Waste Grounds, Stone Quarries 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 Surveyor or other Persons filling up the Pitts, and levelling

Surveyors may dig Gravel, &c.

without paying for the same.

velling the Ground, from which such Materials shall be taken, or railing or fencing of such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers, or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig and make Pitts, get, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, and from the Stone Quarries, 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 Ground planted or set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for such Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

And whereas there are great Quantities of Rotten Stone (a very valuable Commodity) lying under the Surface of the Ground of Bakewell Common, be it therefore enacted by the Authority aforesaid, That nothing herein contained shall enable the Trustees, or any other Person or Persons, to break the Soil or to dig for any Materials upon the Common belonging to the Manor of Bakewell.

No Materials to be dug from the Common belonging to the Manor of *Bakewell*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and 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 convert the same to his and their own Use and Uses; and to turn any Water-courses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Water-courses 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,

Surveyors may remove Annoyances, &c.

and cut down Trees,

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 Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the 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 Twenty Shillings.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors for the said Roads, or 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, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground heretofore 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; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any Stream, Brook, Water, Ditch or Drain therein,

and widen the narrow Parts of the Roads;

and make a temporary Road;

or

or contiguous thereto; 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 that 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 Road, 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, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes-covert, Infants or Issue unborn, Lunaticks, Ideots, 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 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

Trustees may contract with Persons for the Purchase of Land, &c. to be laid into the Road, &c.

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

Persons, &c. neglecting to treat,

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 are intended to be diverted, turned, or altered, ſhall, for the Space of Two Months next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage and Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the County wherein ſuch Lands and 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 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 enquired 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,

Jury to ſettle the Damage and Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

si
on, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Coverts, 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 such 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 a 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 who shall not appear, or refuse to be sworn on the said Jury; or, being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect 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

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

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

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

Where the Jury shall assess an equal or less Sum for the Damage, than hath been tendered,

Provided always, and it is hereby enacted by the Authority aforesaid, That if the said Jury, upon such Inquest, shall find or assess an equal or less Sum of Money for such Damage and Recompence, than hath been by the said Trustees, or any Five or more of them, or their Treasurer, or other Person or Persons, by virtue of their Order, tendered to the Party or Parties so refusing or neglecting to treat as aforesaid; then, and in such Case, the Person or Persons so refusing or neglecting to treat, shall pay the Costs occasioned by such Refusal or Neglect; which Costs shall be settled and ascertained by the said Jury, and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

Party to pay the Costs.

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, after deducting the Costs as aforesaid thereout, shall be paid out of the Tolls arising within or upon account of the Road so intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks 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, and 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 or 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, &c. purchased to be made Part of the Roads,

and esteemed a publick Highway.

Lands

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 the said Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned: 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.

Old Road may be sold.

Buildings, &c. not to be damaged.

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 Wood 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.

Old Road not liable to be repaired, where a new one is made, unless it lead to some Town with which the new Road doth not communicate.

Provided also, and be it enacted by the Authority aforesaid, That no Part of the Road by this Act intended to be repaired, shall be made or carried over or upon any Part of the Lands, Commons, or Waste Grounds, of the aforesaid Manor, Lordship, or Townhip, of Bakewell; any thing herein contained to the contrary notwithstanding.

Road not to be carried over *Bakewell* Manor.

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

Roads made over any Moor, &c. to be 60 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

Rates, &c. applicable to the Repair of the Roads, to continue so.

ney which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads 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 for the respective Townships, Parishes, and Places, in which any Part of the said Roads do lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly, and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, 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 said 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 said Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint; so that no more than Two Days Work shall be done by any One Person or Team on the said Roads, who shall be Inhabitants of the Town of Newcastle under Line aforesaid, nor more than Three Days Work by any other Person or Team on any other Part of the said Roads, in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Inhabitants to do Statute-work.

Overseers of the Poor for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, 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 Time 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 a Team, to work on the said Roads, 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 are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and 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, her, or their Statute-

Trustees, with Consent of Inhabitants, may compound for Statute-work.

work therein; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, of such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry, or other publick Meeting of such Inhabitants, 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 in respect whereof such Composition-monies are paid; 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.

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

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stone excepted) otherwise than on Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; or shall wilfully drive any loaden Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, or lying near or adjoining to the said Roads; or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads, or such Causeway as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeway, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to 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 also to erect Guide and Direction Posts, with such Inscriptions thereon as the

Roads to be measured, and mile-stones erected.

the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription that 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 where such Offences shall be committed; which Oath such Justice is hereby impowered and required to administer without Fee or Reward; every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey any such Offender to be dealt with according to the Directions of this Act.

Penalty on defacing Milestones.

And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed) upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and 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 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 and required to grant for those Purposes) and

Penalties and Forfeitures how to be recovered and applied.

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 or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, 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 Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter-Sessions.

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 Persons may appeal to the Justices of the Peace at any General Quarter Sessions 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 of that Part of the said Roads where such Cause of Complaint shall arise, and within Four Days after such Notice, entering into 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 Sessions; and the said Justices at such 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

Notice of Appeal to be given.

said

said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not to be deem'd unlawful for want of Form;

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

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

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought: And in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit: Whereupon such Proceedings, Orders, and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for borrowing of Money, or any Nomination, Contract, Bond, 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, or under the Hands and Seals, or Hand and Seal of, or only signed by, any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be enter'd in a Book.

Provided, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, at their Meetings, 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, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

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 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 quashed for want of Form,

or removeable by *Certiorari*.

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 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.

This Act not to prejudice the Marble Mill.

And be it enacted by the Authority aforesaid, That none of the Powers or Authorities herein given to the said Trustees, shall extend, or be construed to extend, to the injuring, or in any respect prejudicing a certain Engine or Machine, erected at Ashford, upon the said Road, for sawing and polishing Marble, or any of the Ponds, Streams, Banks, or Weirs, appurtenant thereunto: Neither shall the Proprietor or Proprietors of the said Engine or Machine, or any Person or Persons, by or with his, their, or any of their Order or Privity, do any Injury to the Turnpike Road hereby intended to be carried by or near the said Engine or Machine, by any new Works, or Additions thereunto; and shall at all Times, during the Continuance of this Act, effectually uphold and support the present Banks of their Weir and Water-Works.

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 sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved;

aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the Counties 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 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. General Issue. 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.