Anno ſexto

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road leading from *Cromford Bridge*, in the County of *Derby*, to the Turnpike Road at or near *Langley Mill*, in the ſaid County.



WHEREAS the high Road leading from Cromford Bridge in the County of Derby, through Holloway and Crich, to the Turnpike Road at or near Langley Mill in the ſaid County, is in a ruinous Condition, narrow in many Places, and incommodious to Paſſengers, and cannot be effectually repaired and widened by the preſent Methods provided by Law; may it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir Willoughby Aſton Baronet, Robert Alſibrooke, George Allton, Gentlemen; Sir Robert Burdett Baronet, Philip Barnes, Richard

Preamble.

Truſtees Names.

Richard Beresford, Thomas Bainbrigge, John Barber, Brooke Boothby, William Brookes, Esquires; William Burrow, Lawrence Bourne, Benjamin Burrow, Clerks; Joseph Baggaley, Robert Bright, Henry Balguy, Francis Barber, John Bullivant, John Buxton, John Botham, Samuel Buxton, Isaac Bown, Joseph Boot, Richard Bourn, Alexander Barker, John Barker of Edensor, John Barker of Bakewell, Gentlemen; 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; Godfrey Clarke senior, Godfrey Clarke junior, Asheton Curzon, Wenman Coke, Thomas Coke, Samuel Compton, Joshua Compton, Henry Coape, Esquires; Anthony Carr Clerk, Samuel Coleclough senior, Samuel Coleclough junior, Christopher Coleclough, Edmund Coleclough, Gentlemen; Thomas Doxey Esquire, Thomas Dodd Gentleman, the Reverend Sir John Every Baronet, the Reverend Edmund Evans, William Evans, Clerks; Thomas Evans, George Evans, Robert Evans, Gentlemen; William Fitzherbert, Richard Fitzherbert, Goodere Fletcher Esquire, the Reverend John Fitzherbert Clerk, James Fitzherbert, Samuel Fletcher, Alexander Foxcroft, John Foxcroft, Benjamin Foxcroft, Gentlemen; Sir Nigell Gresley Baronet, Philip Gell M. D. Philip Gell, John Gisborne, James Gisborne, Joseph Greaves High Sheriff, John Gresley, Esquires; the Reverend Thomas Gell Clerk, Thomas Gell, George Goodwin, Gentlemen; Sir Henry Harpur Baronet, Sir Henry Hunlocke Baronet, Brabazon Hallows, Winson Hunlocke, Robert Hunlocke, James Hunlocke, Nicholas Hurt, Thomas Holland, Immanuel Halton, Robert Banks Hodgkinson, Esquires; the Reverend Miles Halton, Thomas Harris, Samuel Hanson, Chaworth Hallows, Clerks; Godfrey Heathcote, Godfrey Heathcote the younger, William Hallows, Francis Hurt, William Hunter, Thomas Vicars Hunter, Charles Horn, Edmund Hodgkinson, John Heath, Christopher Heath, Mark Huish, Gentlemen; Joseph James, Joshua Jebb, Gentlemen; Jonathan Kendall, Sir Matthew Lamb Baronet, John Leacroft, John Lowe, Edwin Lascelles, Esquires; Thomas Leacroft M. D. Robert Leacroft, Edward Becher Leacroft, James Leverack, Samuel Lomas, Bernard Lucas, Gentlemen; Sir William Molyneux Baronet, Mundy Musters, Hugo Meynell, Edward Mundy, Edward Mundy the younger, Francis Mundy, Leigh Master, George Moorwood, Richard Milnes of Dunston,

Dunſton, William Milnes, George Milnes, Eſquires; Philip Mather, Richard Mellor, Edmund Murphy, Walter Mather, Gentlemen; Peter Nightingale Eſquire, Roger Newham, George Norman, James Norman, Richard Nall, Gentlemen; Joſeph Outram, James Oldershaw, Thomas Oldknow, John Oldknow, Thomas Oldham, Gentlemen; Strelley Pegge, Edward Sacheverell Pole, John Plumtree, Samuel Pegge, John Piddocke, Eſquires; Samuel Pegge Clerk, William Pegge Gentleman, Gilbert Rodes, John Rotherham, Eſquires; John Rotton, Robert Joſeph Rotton, John Radford of Hill Top, John Radford of Stanley, Anthony Radford, Samuel Rowland, Edward Revell, John Reynolds, David Ridge, Thomas Roe, Gentlemen; Sir Charles Sedley Baronet, James Shuttleworth, Henry Sherbrooke, William Coape Sherbrooke, Eſquires; the Reverend John Simpſon Clerk, Griffin Spencer, Samuel Sterland, John Satterfield, Adam Simpſon, Robie Swann, Richard Slater, Joſeph Smedley, Gentlemen; Thomas Thoroton, Nicholas Thornhill, Henry Thornhill, John Twigg, George Turner, Eſquires; Anthony Tiſſington ſenior, Anthony Tiſſington junior, John Toplis, Nicholas Twigg, Gentlemen; Sir Edward Wilmot Baronet, Sir Robert Wilmot Knight, the Honourable Thomas Willoughby, Robert Mead Wilmot, Edward Wilmot, Edmund Thomas Warren, Eſquires; the Reverend John Wood, the Reverend Walker, Clerks; Hugh Wood, Richard Wilkinſon, John Wilkinſon, John Wall ſenior, John Wall junior, John Wolley, Adam Wolley, Anthony Wolley, Robert Wildſmith, Anthony Wood, David Woodhouſe, Thomas Woodhouſe, Thomas Whelden, Icabod Wright, John Wright, Thomas Wright, Gentlemen; and their Succeſſors, to be appointed in Manner herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the yearly Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred and fifty Pounds; or poſſeſſed of, or intitled unto, a Perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon, hereby deemed incapable to act, ſhall preſume to act, every

Penalty on acting if not qualified.

every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

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

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Trustee not to accept of a Place of Profit under this Act.

And be it further enacted, That no Trustee shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

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

And be it further enacted, That as often as any of the said Trustees shall die, or refuse to act, it shall be lawful

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

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

Notice of Election to be given.

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

Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

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

The Tolls.

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, Two Shillings and Six Pence.

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll; and the Money so to be raised is hereby vested in the said Trustees, and shall be disposed of or assigned to and for the Purposes, and in such Manner, as is herein after mentioned; and it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby made payable; and if any Person or Persons, subject to the Payment of the said Tolls, or any Part thereof, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Person

Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges, shall be deducted.

Distress may be sold after 4 Days.

Trustees may erect Sidegates, &c.

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

and take Tolls thereat,

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

No more than Two Tolls to be taken the same Day.

Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken of any Person or Persons, for passing the same Day with the same Carriage or Cattle, through all the Turnpikes to be erected by virtue of this Act; and in case more than Two Turnpikes shall be erected on the said Road, no Person or Persons having paid the Tolls hereby granted at Two of the said Turnpikes, shall be subject or liable the same Day to the Payment of Toll for the same Carriage and Cattle at the next Turnpike such Person or Persons shall pass through on the said Road; such Person or Persons producing a Note or Ticket, denoting such Payment; which Note or Ticket the Collector of such Toll is hereby required to give gratis.

Provided also, That no Person or Persons shall be subject or liable to the Payment of more than One Third

Part

Part of the Tolls hereby granted, for the passing of any Carriage or Cattle, laden with Lead Ore, through any Turnpike or Turnpikes, which shall be erected between Cromford Bridge and Cow Hay Mills, within Lea.

Only One Third of the Tolls to be paid for Carriages, &c. with Lead, &c.

Provided also, That no Turnpike shall be erected upon the Turnpike Road leading from Alfreton to Wirksworth Moor, or upon the Turnpike Road leading from Derby to Chesterfield, or within One hundred Yards of Cromford Bridge.

No Turnpike to be erected on the Road leading from *Alfreton* to *Wirksworth*, &c.

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

No Turnpike to be removed without Order of Trustees.

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

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

And be it further enacted, That out of the first Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the reasonable Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Money to be raised in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Application of Monies.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted, for such Time as the said Trustees, or any Seven or more of them,

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

shall think proper; and such Tolls, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

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

Trustees may compound with Travellers, &c.

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

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease, to any Person or Persons, by the Year, for any Term or Terms not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to their Clerk or Treasurer, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted, That no Toll shall be demanded or taken for any Horse or other Beast drawing any Carriage, laden with any Materials for repairing any Road or Highway, or Compost of any Nature or Kind whatsoever, for manuring of any Garden or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides, of the Owners thereof; or for any Plough, Harrow, or other

other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land in the several Townships or Hamlets in which the said Road hereby intended to be repaired doth lie; or for any Turf, Heath, or Peat, for Fuel to be used by the Inhabitants of the several Parishes through which the said Road lies, and got within the several Parishes wherein the said Inhabitants respectively live; or for any Coaches or other Carriages, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Derby or Nottingham; or of any Person or Persons going to and from Church, or other Place of Religious Worship they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Road leads; or for any Cattle or Carriage carrying Corn to any Mill to be ground, or returning empty, having delivered such Loading, or going unladen to fetch such Corn ground, or returning laden therewith, such Corn being the Property of any Inhabitant of the Mill or Hamlet, or the next adjoining Mill or Hamlet where such Corn shall be ground, and being for the Use and Consumption of such Inhabitant only, or of any Person or Persons who shall cross any Part of the said Road only; or for any Horse or other Cattle going to or returning from Pasture or Water; or for any Post Horse or Vehicle carrying the Mail; or for the Horses of any Officers or Soldiers on their March, or for Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty of making illegal Claims.

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

Penalty on permitting, or going thro' private Passage, &c.

And be it further enacted, That if any Person or Persons, occupying any Land near to any Gate or Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Horse or Beast drawing any Carriage or Mill-stone, Horse or Beast laden or unladen and not drawing, Cattle, Calves, Hogs, Sheep, or Lambs; or if any Person or Persons shall, with any Horse or Beast drawing any Carriage or Mill-stone, Horse or Beast laden or unladen

unladen and not drawing, Cattle, Calves, Hogs, Sheep, or Lambs, pass through any such Gate, Passage, or private Way; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road, any Horse or other Beast on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid, lessen, or alter, the regular Course of Payment of any of the Tolls hereby granted; or if any Person or Persons shall give to, or receive from, any Person or Persons any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person or Persons shall forcibly pass through any such Gate or Turnpike with any Horse or Beast drawing any Carriage or Waggon, Horse or Beast laden or unladen and not drawing, Cattle, Calves, Hogs, Sheep, or Lambs, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

or taking off Horses, &c.

or giving or receiving Tickets, &c.

to avoid paying the Tolls.

Trustees may borrow Money upon the Credit of the Tolls.

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

Assignments may be transferred.

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

assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition made.

them, or to their Clerk or Treasurers which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Clerk to deliver up Books and Papers, &c.

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

Treasurer to give Security.

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

Victuallers not to have a Place of Profit.

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

Surveyors may dig Gravel, &c.

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

same;

same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making and continuing a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Materials, sufficient for that Purpose, cannot be found in or upon such Rivers or Brooks, Waste, Common, or Wood, near to or at a convenient Distance from the said Road, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or tendering to pay, to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted, That the said Surveyor or Surveyors, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, any Causeways, in or along the Sides of any Part or Parts of the said Road, and shall and may build, or cause to be built, any Bridges, upon, in, or across, the said Road, or any Part thereof, and to cut, or cause to be cut, any Watercourses, in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same,

Surveyors may make Causeways, &c.

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

Surveyors may remove Annoyances, &c.

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

cut down Trees;

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor,

to be levied by Distress and Sale.

Penalty of a Second Offence.

Owners neglecting to scour their Watercourses, after Notice,

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into, or out of, any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them, respectively, or shall be left at his, her, or their, respective Place or Places of Abode, by the said Sur-

veyor

veyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

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

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or

may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in, and added to, the said Road, or through which the said Road may be turned; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted,

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

That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, sib to be taken in, and added to, the said Road, or into or through which such Road is to be turned or altered, as

as aforeſaid, ſhall, by the Space of Twenty one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Derby (which Oaths any Two or more of the Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted, for or upon account of the taking ſuch Lands, Grounds, or Hereditaments, into the ſaid Road, or of turning ſuch Road into or through any ſuch Lands, Grounds, or Hereditaments; and, in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes covert, and Perſons under

Jury to ſettle the Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

any

any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Derby, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any Fine or Fines, not exceeding the Sum of Ten Pounds, on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses,

Trustees may issue their Warrant to summon and impanel a Jury.

Jurors may be challenged.

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

misses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence, any Fine or Fines not exceeding the Sum of Five Pounds, and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied. Fine not to exceed 5*l.*

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

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

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

and deemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expences of the Jury how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Right, Property, or Interest, in any such Lands, Grounds, or Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Persons liable to the Repair of the Roads, &c. to contribute to.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the mak-

ing

ing of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, to repair any Part or Parts of the Road hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Road, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired doth lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall and are hereby required to do and perform such and so many Days Works in such Parts of the said Road by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, and Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, not exceeding Three Days of such Work, at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, for every such yearly Value of Fifty Pounds he or they shall so rent, hold, or occupy, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live; or occupy such Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

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

And, to the end that the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns,

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

Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants or Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver in such Lists,

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road leads, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for such Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling: And if

and on Persons not performing statute-work.

any

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

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

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

done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

If the Road over any Waste Ground be turned, Inhabitants not liable to repair the old Road.

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

Penalty on drawing Timber otherwise than upon Wheel Carriages.

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

Roads to be measured, and Mile-stones erected,

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

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case 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 hereby appointed, it shall be lawful for him or her to appeal within Six Months next after such Cause of Appeal shall arise, to the Justices of the Peace at their General Quarter Sessions of the Peace to be held for the County wherein the Cause of such Appeal shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear the Complaint of any such Person in a summary Way, finally determine the same, and award such Costs as to them shall seem reasonable; but no Conviction shall be quashed upon any Appeal for want of Form only.

Proceedings not to be quashed for want of Form;

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Proces whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money

not removeable by *Certiorari*.

Diſtreſs not to be deemed unlawful for want of Form;

Monies to be levied by virtue of this Act, the Diſtreſs it ſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

nor the Parties diſtraining deemed Treſpaſſers *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 as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

Proceedings to be entered in a Book.

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

Writings to be without Stamps.

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

No Order to be repealed unleſs 7 Truſtees be preſent.

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

of the Trustees, unless Seven Trustees shall be then present, and consenting thereto.

Commencement and Continuance of this Act.

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

Limitation of Actions.

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

General Issue.

Treble Costs.

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

FINIS.