Anno sexto

Georgii III. Regis.

An Act for repairing and widening the Road from *Ashborne* to *Sudbury*; and from *Sudbury* to *Toxall Bridge*; and from the Turnpike Road upon *Hatton Moor* to *Tutbury*, in the Counties of *Derby* and *Stafford*.

WHEREAS the Road leading from Ashborne, through Clifton, and the Parishes of Edlaston, Snelson, and Cubley, to Sudbury in the County of Derby; and from Sudbury aforesaid, through Draycott, over the Forest of Needwood; and through Yoxall, to a Bridge called Yoxall Bridge, in the County of Stafford; and also the Road from the Turnpike Road upon Hatton Moor, in the said County of Derby, to a House in Tutbury, in the said County of Stafford, now or late in the Possession of Widow Tabberer, and lately known by the Sign of The Cock; which said several Roads are in a ruinous Condition, and in several Parts narrow and incommodious, and cannot be properly amended, widened, and kept in good Repair, by the ordinary Course of Law: Preamble.

may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Reverend John Addenbrooke Dean of Litchfield, William Asteley Clerk, Thomas Henry Ashurst Clerk, William Armishaw, John Alsop of Ashborne, Daniel Astle, Thomas Astle, Sir Robert Burdett Baronet, Sir Walter Wagstaff Bagott Baronet, William Bagott, Walter Bagott Clerk, Philip Barnes, John Cave Browne, Benjamin Bakewell, Isaac Hawkins Browne, Thomas Butler, the High Steward, Deputy Steward, and Bailiff, of the Town of Burton upon Tent, for the time being; Thomas Selleck Brome, Henry Bakewell, Simeon Byrch, William Bass, John Burton, Thomas Bedford, John Buxton of Compton, Brooke ~~Brooke~~ Boothby, Richard Beresford, Francis Beresford, Theophilus Brough, John Barnes, Robert Brough, Anthony Bradley, Joseph Bradley, John Buxton of Thorp, Arthur Bowyer, Thomas Bowyer, John Blackwall, John Beaumont, Edward Buxton, William Bailye, William Brown, Cary Butt, Hugh Bailye, John Barker, Richard Bailye, the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish; the Right Honourable George Cavendish, commonly called Lord George Cavendish; the Right Honourable John Cavendish, commonly called Lord John Cavendish; William Cotton, Thomas Clarke, Joseph Clay, William Cotton, Thomas Cotton, Thomas Chawner, George Caulton, Edward Cheney, Thomas Cobb, Francis Cobb, Wenman Coke, John Calvert, Uriah Calden, John Chatterton, Hugh Chamberlain, Thomas Caulton, John Dawson Clerk, Richard Dyott, Michael Downes, Thomas Dicken, John Selleck Dawson, William Dawson Clerk, Thomas Dockfey, Robert Dockfey, Robert Dale, Robert Dale junior, Tertius Dale, Joseph Dean, James Davenport, Samuel Dawson, Erasmus Darwin M. D. the Reverend Sir John Every Baronet, William Etches, William Etches junior, Edward Evans, Richard Edge, Charles Enfor, Henry Evans, Thomas Fisher, William Ford, John Farmer, George Fletcher Clerk, Richard Fitzherbert, Henry Ford, William Fitzherbert, John Fitzherbert, James Fitzherbert, John Fowler, Hugh Fletcher, James Falconer Clerk, John Fletcher, John Fern, Thomas Gresley Clerk, Francis Garratt Clerk, Joseph Greaves, William Greaves, William Gould, George Gould, Peter Garrick,

Trustees. Names.

Garrick, John Grundy, John Giſborne, James Giſborne, Giſborne Clerk, Samuel Goodwin, John Goodwin, George Goodwin, Edward Gilbert, William Goodwin, Edmund Buxton Goodwin, John Greſley, Philip Gell, John Greenſmith, George Gretton, Thomas Gell, Barnard Granville, Sir Henry Harpur Baronet, Chriſtopher Horton, Iſaac Hawkins, John Hayne, Abraham Hoſkins, Richard Hayne, John Hepworth Clerk, John Harvey, John Henſhaw, Thomas Harvey, John Hunt, Charles Howard, John Handley, Robert Hague, Bryan Hodgſon, John Allen Holbrook, James Hubbard, Edward Holbrooke Clerk, William Hinton, Brooke Hector M. D. Richard Hinckley, Holbeche, Greenwood Holmes, Nathaniel Hurd Clerk, Nicholas Hurt, Francis Hurt, Robert Hurſt, Ralph Harriſon, Robert Harding, Robert Harding junior, William Inge, Henry James, Francis Johnſon, William Killingby, John Levett, Richard Levett Clerk, Thomas Levett, Chriſtopher Ley, William Ley, Thomas Ley, Charles Leeſon, Henry Lightwood, Edward Lightwood, Robert Longdon, Thomas Lamb, William Langley Clerk, William Lees, the Reverend Sir John Moſley Baronet, Hugo Meynell, William Muſgrove, Thomas Mathews, Thomas Middleton Clerk, William Moreton, Lowe Mills, Thomas Mills, Simon Milnes, John Milward, George Miller, Samuel Miller, Samuel Mence, Richard Milward, John Marſhall, Walter Mather, Fettiplace Nott, William Newton, Thomas Orediſh, Thomas Orediſh junior, Ralph Oakden, Robert Palmer, George Port, Joſeph Parker, Samuel Palmer, William Rawlin, Richard Riddleſden, Joſeph Richards, Thomas Roe Clerk, Richard George Robinſon, Daniel William Remington Clerk, Joſeph Robinſon, Carey Robinſon, James Shuttleworth, Samuel Sketchley, Samuel Sketchley junior, William Stratham, Henry Smith, Henry Smith junior, Smith, William Shore, Henry Scott, Charles Simpſon, Richard Ryder Short Clerk, Thomas Seward Clerk, Joſeph Shirley, John Spencer, David Stone, George Sparrow, John Taylor D. L. Paul Taylor, William Taylor, John Twigg, Thomas Toundrow, Thomas Toundrow junior, William Tomlinſon, Joſeph Terrey, Henry Toplis, Thomas Thornewill, John Walker, John Walker junior, William Walker, Edward Walker, John Walker Wilſon, Ralph Wood, Edward Wilſon, John Wheldon, Thomas Watſon, John Watſon, William Wickſteed Clerk, Wallace, William Wilders, Benjamin Wilſon, William Wilſon, William Wyatt of Seaney Park, Samuel Wyatt,

William Wyatt of Bond End, Joseph Wyatt, William Worthington, Thomas White, William Wright, George Whateley, John Webb, William Webb, shall be, and they and their Successors to be elected in the Manner herein after-mentioned, are hereby appointed Trustees for amending, widening, and keeping in good Repair, the said several Roads, and also for putting in Execution all the Powers by this Act given and granted.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House of Hollis, known by the Sign of the Boar's Head in Sudbury aforesaid, on the Tuesday Month after the Passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, and meet at such Place or Places in or near any of the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient for putting this Act in Execution.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, cause One or more Turnpike or Turnpikes to be erected across the said Roads, at such Place and Places, and on the Side or Sides of, or across, any Lane or Way leading into the said Roads, as the said Trustees, or any Seven or more of them, shall think proper; and shall and may, from time to time, cause the same to be removed, altered, or replaced, in such Manner as the said Trustees, or any Seven or more of them, shall order and appoint; and that a Toll-house or Toll-houses shall or may be erected or provided upon or on the Side of the said Roads, at or near the Places where each of such Turnpikes shall be erected; and that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint to receive the same, at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Pair of Oxen or Bullocks, or other Beast, drawing any Carriage, Three Pence.

For every Pack Horse, or other Horse, Mare, Gelding, Mule, or Ass, or other Beast, not drawing, One Penny.

For

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

For every Drove of Calves, Swine, Sheep, or Lambs, Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for the Person or Persons appointed to collect the said Tolls as aforesaid, to seize and distrain any Horse or other Cattle, together with their Furniture; or of any Carriage upon which any Toll is by this Act imposed; or by Distress of any of the Goods and Chattles carried or drawn by or on such Cattle or Carriage; or of any of the Goods and Chattles of such Person and Persons who ought to pay the said Tolls respectively, and who shall so neglect or refuse 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 Horses, Cattle, Furniture, Carriage, Goods, and Chattles, so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges of seizing, distraining, keeping, and selling the same, shall be deducted and paid: And that all the Tolls and Money so to be collected or levied, and the Monies borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to, erect, or cause to be erected, a Toll-gate or Turnpike and Toll-house upon some Part of the Road, by this Act directed to be repaired, which lies between the Town of Asthborne and a House in Clifton, in the Possession of Fletcher, known by the Sign of the Cock.

A Gate to be erected between *Asthborne* and *Clifton*.

Provided always, and be it further enacted, That in case the Inhabitants of the Parish of Tutbury in the County

Where Inhabitants repair, no Gate to be erected.

County of Stafford, and of the several Parishes of Marstone upon Dove, Church Broughton, Seropton, Hatton Hoone, and Hoone Hay, and Places adjacent in the County of Derby, shall within Twelve Months next after the Passing of this Act cause the Road from the Turnpike Road upon Hatton Moor to the House known by the Sign of the Cock at Tutbury in the said County of Stafford, to be well and sufficiently amended and widened; and that the same shall be so adjudged by the Justices of the Peace at their Quarter Sessions to be held for the said County of Derby, or the major Part of them; that then, and for and during such Time only as the Inhabitants of the said several Parishes shall keep the said Road in good and sufficient Repair, it shall not be lawful to erect and set up any Turnpike or Gate upon any Part of the said Road between the said Turnpike Road upon Hatton Moor, and the House known by the Sign of the Cock in Tutbury aforesaid; any thing in this Act to the contrary hereof notwithstanding.

Turnpikes, &c. vested in the 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 for building the same, and also all Materials which shall be actually got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of the Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall steal, take away, injure, or disturb, them in the Possession thereof.

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 Nine or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper, and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Five or more of them, may from time to time direct the Tolls hereby granted, or so reduced or raised again as aforesaid, to be collected and received

and raise them again.

ceived in ſuch Manner, Parts, and Proportions, as they ſhall think fit; but no ſuch Reduction ſhall be made at any Time, 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 Fourteen Days previous Notice at the leaſt ſhall be given in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act, of the Intention to make ſuch Reduction.

Tolls to be paid but Three Times a Day for paſſing through all the Gates leading to the Road between *Aſhborne* and *Yoxall Bridge*;

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any Toll hereby made payable, more than Three Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night) for paſſing with the ſame Horſe, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all the Turnpikes to be erected on ſuch Part of the ſaid Road, or on the Sides thereof, croſs any Street, Lane, or Way, leading into any Part or Parts of the ſaid Road lying between Aſhborne and Yoxall Bridge; and alſo that no Perſon or Perſons ſhall be ſubject or liable to the Payment of any Toll hereby made payable, more than Twice in any One Day, to be computed as aforeſaid, for paſſing with the ſame Horſe, Mare, Gelding, or other Cattle, Coach, Waggon, or Carriage, through all the Turnpikes to be erected on the ſaid Roads, or on the Sides thereof, croſs any Street, Lane, or Way, leading into that Part of the ſaid Roads lying between Aſhborne and Tutbury; ſuch Perſon or Perſons reſpectively producing a Ticket of the Day, denoting the Payment of the ſaid Tolls, which Tickets the Collectors of the ſaid Tolls, at the ſeveral Turnpikes to be erected in purſuance of this Act, are, on the Receipt of ſuch Tolls, hereby required to give gratis, if demanded, to the Perſon who ſhall have paid ſuch Tolls.

and but Twice for paſſing through thoſe leading to the Roads between *Aſhborne* and *Tutbury*.

Proviſo.

Proviſo, That no Perſon ſhall be liable to pay Toll more than once for paſſing at any Time or Times with the ſame Cattle or Carriage in the ſame Day through any One Turnpike.

Penalty on giving or receiving Tickets, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall lend, give, or diſpoſe of any ſuch Ticket to any Perſon, in order to evade the Payment of any of the ſaid Tolls, every ſuch Perſon ſo

lending, giving, or diſpoſing of ſuch Ticket, and the Perſon receiving and making uſe of the ſame, ſhall reſpectively forfeit the Sum of Twenty Shillings.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, 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 Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through or over the ſame; or if any Perſon or Perſons ſhall forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the ſaid Tolls, or of any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike with any Horſe, or other Cattle or Beaſt, 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 reſpective Roads, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or ſecrete any Goods chargeable with any ſuch Toll, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Truſtees may compound with Travellers, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven 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 One Year at any One Time, with any Perſon or Perſons, for any Carriages, Horſes, Cattle, or Beaſts, travelling upon any Part or Parts of the ſaid Roads, 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 for the time being, and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void; and all ſuch Compoſition-monies ſhall be applied in

in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease all or any of the said Tolls granted by this Act, or the said reduced Tolls, together with the Toll-house or Toll-houses, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three 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 Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Exemptions from Tolls.

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 loaden only with, on the same Day, any Gravel, Stone, or other Materials for repairing any of the said Roads hereby directed to be repaired, or any of the Roads in the Townships in which such Roads do lie, or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands (Lime only excepted) or for any Person or Persons residing in the Township in which either of the said respective Roads do lie, going to or from their proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law; or attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, or for any Post-horse or Vehicle carrying the Mail or Packet, or for any Cattle going to or from Water or Pasture, or for the Horses of any Soldiers upon their March, or Carriages attending them with the Arms or Baggage, or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Stafford or Derby, during the Time of such Elections, or on the Day before or Day after

Penalty of making illegal Claims.

after such Elections shall begin or be concluded; And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit, for every such Offence, the Sum of Twenty Shillings.

Trustees may borrow Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls granted by this Act, in such Manner as they the said Trustees, or any Nine or more of them, shall think proper, to borrow and take up at Interest such Sum or Sums of Money as they, or any Nine or more of them, shall think fit; and may and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign the said Tolls to be collected and levied at the said Turnpikes, or any Part or Parts thereof, together with the Toll-houses to be erected by virtue of this Act (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Time during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered at length in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice in Writing for that Purpose be fixed upon all the Turnpikes erected by virtue of this Act, at least Fourteen Days before the borrowing thereof: And all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such respective Tolls in equal Degree one with another, and shall have

Notice to be given of borrowing of Money.

Assignments may be transferred.

All Creditors to be deemed equal in Degree.

no

no Preference in respect of the Priority of advancing any such Monies.

Application of Monies.

And be it further enacted by the Authority aforesaid, That out of the First Tolls to be collected at the several Turnpikes to be erected as aforesaid, or out of the First Money which shall be borrowed on the Credit of this Act, the said Trustees, or any Five or more of them, shall first pay and discharge all the Expences incurred in, and in relation to, the obtaining, procuring, and passing, this Act, and of erecting and setting up such Turnpikes and Toll-houses as aforesaid; and from and after such Charges and Expences shall be fully paid and satisfied, then, and from thenceforth, the said Tolls, and the Monies to be borrowed on the Credit thereof, shall be applied and disposed of in the repairing, widening, altering, turning, and keeping in Repair, the said several 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, order, direct, or appoint.

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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, appoint such Officers, and other Persons, as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers, and other Persons, and appoint others in their Stead: And out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers, and Persons, as to the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers, and Persons, shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any 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 Officers, and Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and the said Officers, and Persons, so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any Five or more of them, are hereby impowered to administer) verify their said Accounts; And if any such Officer, or Person,

Officers refusing to account.

shall not make and render, or shall 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 Seven 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; in all or any of the Cases aforesaid, any One or more Justice or Justices of the Peace for the County or Place wherein such Officer, or Person, shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); And if such Officer, or Person, shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit every such Offender to the Common Gaol for such County or Place, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded 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, and given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

Treasurer to give Security.

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 and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper.

Penalty on Collector refusing to quit his Employment when ordered by the Trustees, &c.

And be it further enacted by the Authority aforesaid, That if any Collector of the Tolls, or Person appointed by the said Trustees, or any Five or more of them, in pursuance of this Act, to collect and receive any of the Tolls hereby granted, shall, at any Time or Times, neglect or refuse to quit his Employment, conformable to the Order or Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession of the Turnpike or Toll-gate, and Toll-house, to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before One or

more Justice or Justices of the Peace of the County or Place, either upon Confession of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tithingman, or other Officer or Officers of the Peace of the said County of Stafford or Derby, where the Matter shall arise, to turn such Collector out of the Possession of the said Turnpike or Toll-gate, and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed and appointed in Manner aforesaid; and also to bring the Collector or Collectors before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the Common Gaol of such County or Place where the Offence shall be committed, for any Time not exceeding One Month.

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

And be it further enacted by the Authority aforesaid, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Two 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 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.

No Victualler, &c. to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same, such Surveyors or other Persons filling up the Pits,

without paying for the same;

levelling the Pits, &c.

Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to 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.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

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, or the said Surveyor or Surveyors, and such Person as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from such Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the Surveyor or Surveyors to the said Trustees 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 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

cut down Trees;

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

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. Penalty of a Second Offence,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and 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, 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 the 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 Road, and cross any Stream, Brook, Water, Ditch, or Drain therein, 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 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. Surveyors may make Causeways, &c. and make a temporary Road; erect Bridges, making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine 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 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 Trustees may contract with Persons for the Purchase of Lands, &c.

the said Trustees, or any Nine 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 Road, 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 Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Nine or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any 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 Road is intended to be diverted, turned, or altered, shall, for the Space of One Calendar Month next after such Notice given or left,

Bodies Politick, &c. impowered to treat.

Persons, &c. neglecting to treat,

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 Nine or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; and, in order thereto, the said Trustees, or any Nine 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 and 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 Nine or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said respective Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Nine 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;

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

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 Nine or more of them, shall, and they are hereby impowered to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges, against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear or 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 neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Nine or more of them, to divert or turn such Road through such Lands or Hereditaments, and do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Nine or more of them, shall think

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

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

think fit; and the said Trustees, or any Nine or more of them, shall cause such Parts of the said Road as shall be diverted and turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road 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 Road hereby appointed to be repaired is 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 new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Nine 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 the said Road; 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.

and esteemed a publick Highway.

Old Road may be sold.

Provided always, That no Person shall act as a Trustee in any case relating to the contracting for or purchasing of any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid instead of any former Road over any Moor or waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

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

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the said Commissioners to sell or dispose of the present Drift Way or Road, or any Part thereof, which leads over certain Lands, now belonging to the Right Honourable Philip Earl of Chesterfield, in the Parish of Cubley, in the said County of Derby; any thing in this Act contained to the contrary in any wise notwithstanding.

Trustees not to dispose of Road over the Earl of *Chesterfield's* Lands.

And

Persons liable to repair Bridges, &c. to continue so.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Trustees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the Passing of this Act: And that

Inhabitants to do Statute-work.

all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Road lies, and all other Persons liable to perform the Work commonly called Statute-work upon the said Road, shall remain subject to the Performance of such Work; and every

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

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

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads do lie; or in case no Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such 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 the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall, from time to time, direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Road in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, or Places respectively, within Ten Days after Notice shall be given to him

him or them, by such Turnpike Surveyor or Surveyors; of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road within such Townships, Parishes, or Places respectively, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer, shall neglect or refuse so to do, such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Ten Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, shall forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the Road, and be found idle or negligent, by the said Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and is 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 respective Penalties before-mentioned; and all Persons doing such Days Work on the said Road, shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors neglecting to deliver in Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, 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, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of

Trustees may compound for Statute-work.

and the

the Inhabitants of such Townships or Places first had (at any Treaty 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 Road within such Townships or Places, all which Composition-monies shall be from time to time paid in Advance, and shall be applied in the Repair of the Road within such Township or Place; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner, as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways,

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof; or shall wilfully drive any loaded Waggon or Cart along any Foot or Horse Causeway, being Part of, or lying near, or adjoining to, the said Road; or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Road, 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 Road or Causeways; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said Road 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 direct Guide or Direction Posts, with Inscriptions thereon, as 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 which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses,

Penalty on defacing Mile-stones.

or

or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures 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 Three Calendar Months, nor less than One Calendar Month, unless such Penalty and all reasonable Charges shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from time to time to elect One other Person to be a Trustee, in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act into Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of Election to be given.

Qualification of Trustees.

Provided always, 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 Appa-

rent of a Person possessed 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, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near any of the said Roads, on that Day Three Weeks from the Day for which such last Meeting was appointed to have been held; and that the said Trustees, at all their Meetings, shall defray their own Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, That in case such Clerk or Clerks shall refuse or neglect to give such Notice as aforesaid, for the Space of Fourteen Days, that then it shall and may be lawful for any Five or more of the said Trustees appointed, or to be appointed, to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Neglect or Refusal of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some convenient House in or near the said Roads, on the Day Fortnight after the Date of such Notice, which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice of any such Meeting.

In case the Clerk shall omit to give Notice, Trustees may do it.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Proceedings

of

of the said Trustees, at their Meetings for the Execution of this Act, 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 for such Roads, at any Meeting of Five or more of the said Trustees assembled as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Proceedings to be entered in a Book.

Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Deed or Writing whatsoever, under the Hand and Seal or Hands and Seals, of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any 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 Hands and Seals, or Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes, and the Overplus, after such Penalties and Forfeitures, 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 and Forfeitures, when paid or levied, shall be (if not otherwise

Penalties and Forfeitures how to be recovered and applied.

wise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Road; 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 such 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 Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Three Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten intire 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 the said Roads; and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session: And the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes.

Notice of Appeal to be given.

Recognizance to be entered into.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties taking the same shall not be deemed a Trespasser or Trespassers on account of any Default or Want of

Form

Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, 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.

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

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever in any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form; nor removeable by *Certiorari*.

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 one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the 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

Limitation of Actions.

General Issue.

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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 one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County; then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Treble Coſts.

Publick Act. 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.

FINIS.