Anno ſexto

# Georgii III. Regis.

An Act for repairing and widening the Roads from *Brimmington* and *Cheſterfield*, in the County of *Derby*, over the *High Moors*, to the ſeveral Places therein mentioned.

WHEREAS the Road leading from the Workſop Turnpike Road at Brimmington, in the County of Derby, to the Turnpike Road from Cheſterfield to Sheffield, and from thence up Whittington Common, by Dunſton, to the Four Lane Ends and Cutthorpe, and from thence over the High Moors, to join the Turnpike Road from Cheſterfield to Baſlow, and from thence, South Weſt by South, croſs the Turnpike Roads from Cheſterfield to Rowſley, Darley, and Matlock; and alſo the Road branching North Weſt, to join the Turnpike Road from Cheſterfield to Calver, and from thence, Northwards, to the Turnpike Road from Sheffield to Grindleford Bridge, and from thence to the Turnpike Road leading from Sheffield to Sparrow Pit Gate; and alſo the Road from Cheſterfield to the Four Lane Ends in the ſaid County, are ruinous, and in ſeveral Places very narrow and incommodious, Preamble.

commodious, and cannot be properly amended, widened, and repaired, by the Laws now in being: May it therefore please your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Truſtees Names.

That John Addy, the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck; Richard Bagſhaw, William Dean Barker, Alexander Barker, John Barker of Edenſor, John Barker of Bakewell, Richard Barker, William Barker, William Bower, Gervaſe Boſville, Thomas Bowden, John Burton, Edward Burton, Edward Buxton, the Reverend Lawrence Bourne, John Bourne of Dronfield, John Bourne of Spittal, Clerks; Arthur Bulkeley, Henry Bourne Doctor in Phyſick, Major Obediah Bourne, Joſeph Briggs Eſquire, Captain Thomas Bourne, William Boſeley, William Birds, the Reverend William Burrow, Benjamin Burrow, Clerks; Joſeph Bright, the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Right Honourable Charles Cavendiſh, commonly called Lord Charles Cavendiſh; Godfrey Clarke ſenior, Godfrey Clarke junior, Richard Cavendiſh, Charles Chaworth, Eſquires; the Reverend John Carver Clarke, the Mayor of the Borough of Cheſterfield for the time being, John Creſwell, Thomas Clarke, William Cowley, Richard Dixon, Joſeph Denman, Nathaniel Eyre, Rowland Eyre ſenior, Rowland Eyre junior, Eſquires; William Fitzherbert Eſquire, William Frogat, Godfrey Frogatt, Samuel Foxlow, the Right Honourable John Manners, commonly called Marquis of Granby; the Reverend John Griffith, Francis Giſbourne, Thomas Groves, Clerks; John Greenwood, Colonel Henry Gladwin, Colonel James Giſbourne, Thomas Gillott, William Gardom, John Gardom, John Grundy, Joſeph Gould, George Goodwin, Anthony Gallimore, Sir Henry Hunloke Baronet, Windſor Hunloke, Robert Hunloke, James Hunloke, Brabazon Hallows, William Hallows, Robert Banks Hodgekinſon, Eſquires; George Heywood, Thomas Heywood, Bartholomew Hounsfield, Thomas Hounsfield, Samuel Hoole, the Reverend Charles Hatfield, Chaworth Hallows, James Heywood, Thomas Hinkeſman, Clerks; John Harris, Godfrey Heathcote ſenior, Eſquire; Godfrey Heathcote junior, Samuel Holland, William Harding, Francis Hurt, Joſhua

Joſhua Jebb, Avery Jebb, John Lalonel, William Longſdon, Thomas Longdon, William Lord Eſquire, Robert Lowndes Eſquire, Bernard Lucas ſenior, Bernard Lucas junior, Thomas Lucas, Jonathan Lee, Anthony Lax, Richard Milnes, William Milnes, George Milnes, Eſquires; Godfrey Middleton, Richard Milnes junior, James Mower, John Mauder, William Manley, Richard Milnes Doctor in Phyſick, William Milnes of Cheſterfield, Robert Newton Eſquire, Roger Newham, Richard Nall, John Owtram, John Owtram junior, Strelley Pegge Eſquire, the Reverend Samuel Pegge Clerk, John Piddock Eſquire, John Marſhall Prime, John Rotherham, Gilbert Rodes, Eſquires; the Right Honourable George Sutton, commonly called Lord George Sutton; the Reverend Thomas Seward, John Simpſon, Joſeph Saunders, Clerks; William Sitwell, Samuel Shore, Samuel Shore the younger, John Spencer, Adam Slater, Eſquires; Thomas Slater, Richard Slater, Richard Slater junior, Joſhua Smith, Paul Smith, Philip Sheldon, William Storrs, John Storer, Thomas Smalley, Henry Thornhill, John Twigg, Nicholas Twigg, Eſquires; Robert Thornley, John Woodyear, John Wright, John Wall, Eſquires; Godfrey Watts, William Webſter, John Webſter, Major John Wright, Robert Wright, John Wall junior, Joſhua Wheldon, Godfrey Webſter, John White, the Reverend John Wood Clerk, Richard Wilkinſon, John Wilkinſon, and Allwood Wilkinſon, and their Succeſſors, to be elected in the Manner herein after-mentioned, ſhall be and are hereby appointed Truſtees for putting in Execution all the Powers in and by this Act given and granted.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of William Cowley, being the Sign of the Old Angel, in Cheſterfield, or at ſome other convenient Place in or near the ſaid Roads, on the Monday Fortnight next after the paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then and from time to time afterwards adjourn themſelves to meet at ſuch Place or Places near the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, think moſt convenient for putting this Act in Execution: And if, at any Meeting or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day; the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as often as ſuch

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Case shall so happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Month after the Day for which such last Meeting was appointed; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present and concur therein; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Order to be repealed unless Fifteen Trustees are present.

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

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any 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 putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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

Notice of such Election to be given.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or possessed of or intitled unto a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements,

Qualification of Trustees.

nements, 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 the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads, and also One or more Toll-house or Toll-houses, with suitable Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Roads, or any Part or Parts thereof, as many Garden Spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house or Toll-houses, and pull down and remove the same, as they the said Trustees, or any Five or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint to receive the same, at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

For every Horse, Mare, Gelding, or Pair of Oxen, drawing in any Carriage, the Sum of Three Pence. The Tolls.

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

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

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

And for every Pair of Mill Stones, the Sum of Two Shillings and Six Pence.

Which

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for the Person or Persons appointed as aforesaid for collecting of such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods, or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same: And if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods, and Chattles, so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied, by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after-mentioned.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Trustees may erect Side-gates,

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

and take Tolls thereat,

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

Proviso.

Provided always, That no Gate or Turnpike shall be erected nearer to Brimmington, than a certain Mill called Whildon's Mill, upon the River running from Chesterfield to Staveley.

Proviso.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall not travel at least Three hundred Yards upon the said Road.

Provided

Provided always, and be it enacted, That in case any Toll-bar shall be erected between the Four Lane Ends and Grange Hill Top, no more Toll shall be demanded or taken at such Gate for any Horse, Mare, Gelding, or Pair of Oxen, drawing in any Carriage coming unloaded or loaded with Lime, to fetch Coals from Newbold or Dunston only, and returning laden therewith, or going unloaded or loaded with Coals from either of those Places, to fetch Lime, and returning laden therewith, or going laden with Coals from either of those Places and returning empty, having delivered such Loading, than Two Pence; or for any Horse, Mare, Gelding, or Pair of Oxen, drawing in any Carriage, coming unladen or laden with Lime, to fetch Coals from Barlow only, and returning laden therewith, or going unloaded or loaded with Coals from Barlow to fetch Lime, and returning therewith, or going laden with Coals from thence and returning empty, having delivered such Loading, than Three half Pence; or for any Horse or other Beast not drawing, coming unloaded or loaded with Lime to fetch Coals from Barlow, and returning laden therewith, or going laden with Coals from thence to fetch Lime, and returning laden therewith, or going loaded with Coals from thence, and returning empty, having delivered such Loading, than Three Farthings. Tolls to be taken between *Four Lane End* and *Grange Hill*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, erect, or continue, or to cause to be made, erected, and continued, any Ditches or Fences on the Side or Sides of any Part or Parts of the said Roads, as they shall think proper, to prevent the evading the Payment of the said Tolls, or any Part thereof; and if any Person or Persons shall damage or destroy, or open any Passage through such Ditches or Fences, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied, in such Manner as the Penalties and Forfeitures are herein directed to be recovered, levied, and applied. Trustees may make Ditches or Fences to prevent Persons evading the Tolls.

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 of all Materials which shall be actually got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer Turnpikes and Toll-houses vested in Trustees.

surer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in and in relation to the obtaining of this Act; and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads, and of executing the other Purposes of this act, and to no other Use whatsoever, in such Manner as the said Trustees, or any Five or more of them, shall, from time to time, direct.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to 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 Five or more of them, shall think proper; and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Five or more of them, may from time to time direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes, as they the said Trustees, or any Five or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time, after the said First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Ten Days previous Notice at the least shall be given thereof in Writing to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act.

and raise them again.

Provided

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any Toll-gate or Turnpike to be erected upon the ſaid Roads, for paſſing or repaſſing, at any Time or Times, in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night) with the ſame Horſes, Cattle, Beaſts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the ſaid Roads, and on the Sides thereof, and croſs any Lane or Way leading into the ſame; but all and every Perſon and Perſons, after having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll-free, during ſuch Day, through the ſame Gate or Turnpike, except only for the Horſes or other Beaſts drawing in Carriages loaded with Lead, which, on account of the great Damage they do the Roads, ſhall be and are hereby obliged to pay a full Toll at each of the Gates to be erected by virtue of this Act, every Time they ſhall paſs the ſame.

Limitation of the Tolls.

Provided always, That no more than Two Tolls ſhall be demanded or taken from any Perſon or Perſons, for paſſing and repaſſing the ſame Day with the ſame Horſes, Cattle, Beaſts, or Carriages, through all the Toll-gates or Turnpikes to be erected by virtue of this Act; but that all and every Perſon or Perſons, having paid Two Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of ſuch Tolls) ſhall paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll-free, during ſuch Day, through all the Toll-gates or Turnpikes to be erected by virtue of this Act.

Truſtees may compound with Travellers, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered from time to time, as they ſhall ſee convenient, to compound and agree for any Term not exceeding Two Years at any One Time, with any Perſon or Perſons, for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Roads, or any Part thereof, for all or any of the Tolls to be paid

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 yearly in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls, arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast; or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage; or shall turn or drive out any Waggon, Cart, or other Carriage, upon any of the Roads adjacent, not being Turnpike Roads; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with 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,

or giving or receiving Tickets, &c.

or taking off Horses, &c. to avoid paying the Tolls.

or [illegible] Beast,

Beast, or Carriage, or secrete any Goods chargeable with any such Toll, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

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, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands; or for any Person or Persons residing in any Township or Parish in which the said Roads do lie, going to or from their proper parochial Church, Chapel, or other Place of religious Worship on the Sabbath Day or Sunday; or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture or Plow or other Tillage or Work in Husbandry; or for the Horses of any Persons riding to their Farms or Grounds only, lying within the same Townships or Hamlets; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or 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 Derby, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Twenty Shillings.

Penalty of making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any

Trustees may borrow Money upon the Credit of the Tolls.

Five or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Five or more of them, shall think proper, to borrow and take up at legal or less Interest, such Sum and Sums of Money as they, or any Five or more of them, shall think fit; and also they the said Trustees, or any Five or more of them, may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such original Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes erected by virtue of this Act, at least Ten 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 or transfer his, her, or their Right to the Principal and Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment

Entries to be made of all Assignments.

Notice to be given of borrowing of Money.

Assignments may be transferred.

Clerk's Fee.

or

or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer the same again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer to make void, release, or discharge, the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

All Creditors to be deemed equal in Degree.

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 them 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 all 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 Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer, or Person, shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Five Days after being thereunto

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

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; then, in each, any, or either of the said Cases, 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 any such Officer, or Person, shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Gaol or House of Correction 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, or 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, before such Treasurer or Treasurers, Receiver or Receivers, shall enter upon the Execution of his or their Office or Offices.

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

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting 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.

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial

mental Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors, appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, 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 lies, or in any neighbouring Parish, Town, or Place, without paying any thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors may dig Gravel, &c.

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any

Surveyors may remove Annoyances, &c.

cut down Trees;

Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing, given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

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 to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary; and also to widen any 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 not less than Forty nor exceeding Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees,

Surveyors may make Causeways, &c.

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

or

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

Trustees may contract with Persons for the Purchase of Lands, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and they are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Moor or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering the Course or Path of any Part or Parts of such Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever, seised of, interested in, or intitled unto, such Lands, Tenements, or Hereditaments, in Mortmain, or under any Ecclesiastical Right; and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, or to contract for and give in Exchange any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Roads or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid

Bodies Politick, &c. impowered to treat.

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, Persons seised in Mortmain, or in Right of the Church, 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, Persons seised or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of One Month next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper by the respective Parties to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons

Persons, &c. neglecting to treat,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

sons 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, Persons seised or intitled in Mortmain, or in Right of the Church, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County of Derby, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, either of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglecting

Verdict of the Jury to be final.

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.

lecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Fine not to exceed 10 *l.*

Expences of the Jury how to be paid.

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

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, after deducting the Costs as aforesaid thereout, shall be paid out of the said Tolls, arising by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, 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 or Treasurer to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said 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,

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

and esteemed a publick Highway.

in

in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended, and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Roads shall be completed, the Lands constituting the former Roads, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Roads do not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, 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 Roads by this Act directed to be repaired; or the said Trustees, or any Five or more of them, may, and are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting the former Roads, for any Part or Parts of such new Roads; but this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

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.

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

Roads to be Sixty Feet broad.

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

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

Inhabitants to do Statute-work.

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

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

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

do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie; or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the 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 Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint, so that no more than Five Days Work shall be done by any One Person or Team of or belonging to the Township or Chapelry of Brampton, or than One Day's Work by any One Person or Team of or belonging to the Parish of Whittington, or than Three Days Work by any One Person or Team, of or belonging to any other of the said respective Townships, Parishes, or Places on the said Roads in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such

Persons

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

Penalty on Surveyors neglecting to deliver Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the said Townships, Parishes, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Township, Parish, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid to appeal to the General Quarter Sessions of the Peace to be held for the County of Derby; and the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any such Town-

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

ship, Parish, or Place, shall be done on the said Roads; such Surveyor or Surveyors of the Highways as aforesaid, first giving Six Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized as aforesaid by the said Trustees.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon: And also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens, or Overseers of the Poor, respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-money shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Money by them expended in buying Materials for repairing the Highways.

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

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

Penalty on haling Timber 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 Roads, 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 Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Roads 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 Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof at the Distance of One Mile from each other, with

Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person, so offending, shall forfeit the Sum of Forty Shillings, for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and, in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture and all reasonable Charges shall be sooner paid: And every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed; and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalty on defacing Mile-stones.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes)

Penalties and Forfeitures how to be recovered and applied.

and

and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Roads:

For want of Distress, the Offender to be committed.

And, in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County of Derby, and within Four Calendar Months after the Cause of such Complaint shall have arisen;

Notice of Appeal to be given.

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 to the said Trustees; and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, 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 Sessions, 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.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums

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

Distress not unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or other wrongful Proceedings, 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.

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

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

Writings to be without Stamps.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, 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.

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

Commencement and Continuance of this Act.

Proceedings not to be quashed for want of Form;

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in, or relating to, the Execution of this Act,

or removeable by *Certiorari*.

shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Derby, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may,

General Issue.

at his Election, plead Specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall re-

Treble Costs.

cover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

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

FINIS.