Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road from the *Mansfield* and *Cheſterfield* Turnpike Road, near the Nine Mile Stone from *Mansfield*, through *Temple-Normanton*, *Tupton New Incloſure*, and *Birkin Lane*, to *Bunting Field Nook*, in the Pariſh of *Aſhover*, in the County of *Derby*.



WHEREAS the Road leading from the Mansfield and Cheſterfield Turnpike Road, near the Nine Mile Stone from Mansfield, through Temple Normanton, Tupton New Incloſure, and Birkin Lane, to Bunting Field Nook, in the Pariſh of Aſhover, in the County of Derby, is ruinous, and in ſeveral Places very narrow, 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 Preamble.

Trustees Names.

the same, That the most Honourable John Manners, commonly called Marquis of Granby; 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 George Sutton, commonly called Lord George Sutton; the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck, Sir George Savile, Sir William Molyneux, Sir Henry Hunloke, Sir Henry Harpur, Sir Charles Sedley, Sir George Smith, Baronets; Sir Francis Molyneux Knight, George Allen of Ashover, George Allen of Woolley, William Allen of Woolley, William Allen of Bank, William Allen of Brook, Joseph Allen, Charles Alsop, George Alsop, Joseph Briggs, Charles Bellamy, William Bilbie of Buryhill, David Brailsford, John Bunting, John Brailsford, William Brailsford, Samuel Brailsford, William Burrow Clerk, Benjamin Burrow Clerk, Lawrence Bourne Clerk, John Bourne of Dronfield Clerk, John Bourne of Spital Clerk, Henry Bourne M. D., Major Obadiah Bourne, Captain Thomas Bourne, Edward Brocklop, John Brocklop, Thomas Brown, Henry Buxton, George Buxton, Thomas Buxton, Alexander Barker, John Barker of Edensor, Henry Balguy, Gervase Bosevile, Richard Bower, Isaac Bowne, Edward Burton, Thomas Barker, Samuel Brailsford, John Blagg, Joseph Boot, Godfrey Clarke, Godfrey Clarke junior, Richard Clay, Thomas Calton, Richard Calton, Thomas Clarke, Anthony Carr Clerk, William Clarke of Hardwick, William Clarke Clerk, Richard Clay, John Dakeyne, Henry Donston, William Fitzherbert, Thomas Fidler Clerk, George Fidler, Edward Gould, Philip Gell, John Gisborne, Colonel James Gisborne, Joseph Greaves, Colonel Henry Gladwin, John Gladwin, Thomas Gladwin, Anthony Gallimore, John Gregory, Thomas Gell, John Gratton, Windsor Hunloke, Robert Hunloke, James Hunloke, Brabazon Hallows, Chaworth Hallows Clerk, William Hallows, John Hallows, Robert Banks Hodgkinson, Urban Hall, Francis Hall, John Hollings, Thomas Holland, Ralph Heathcote D. D. Godfrey Heathcote, Godfrey Heathcote junior, Immanuel Halton M. D. Miles Halton Clerk, Eliezer Heywood Clerk, James Heywood Clerk, John Heath, Christopher Heath, George Holland, John Holland, Edmund Hodgkinson of Ashover, Samuel Hoole, Samuel Hoole junior, Nicholas Hurt, Francis Hurt, William Hill, Ralph Knight, Colonel John Keller, Richard Kaye Clerk, Jonathan Kendall,

In Default of Clerk to give Notice of any Meeting.

John Litchfield, William Lord, Jonathan Lee, Jonathan Lee junior, Bernard Lucas, Thomas Lucas junior, Robert Leacroft, George Morewood, Walter Mather, Richard Milnes of Dunston, Richard Milnes M. D. William Milnes, William Milnes of Ashover, George Mason Clerk, William Manley, Lancelot Newton, Robert Newton, Peter Nightingale, George Norman, William Newsholme, Robert Outram, Edmund Outram, Joseph Outram, John Plumptre, Septimius Plumptre Clerk, Strelley Pegg, Samuel Pegg Clerk, Samuel Pegg junior, Gilbert Rhodes, Edward Revell, Arthur Rigot, Samuel Rooth, Arthur Charles Stanhope, Henry Sherbrooke, Adam Slater, Thomas Slater, Richard Slater, Samuel Shore, John Sowter, William Sheath, Enoch Stevenson, Ferdinando Shaw, Samuel Sidden, Francis Simes, John Simes, George Simes, William Simes, Richard Stenton, Thomas Thoroton, Anthony Tissington, Anthony Tissington junior, [illegible] Turbett, Henry Thornhill, Nicholas Thornhill, John Twigg, Nicholas Twigg, William Twigg, George Turner, John Toplis, Richard Towndrow, Samuel Towndrow, Joseph Towndrow, John Towndrow, Samuel Unwin, William Unwin, Samuel Unwin junior, the Honourable Thomas Willoughby, John Woodyear, Richard Wilkinson, John Wilkinson of Chesterfield, Joshua Wheldon, Godfrey Webster, Joseph Whitfield, Matthew Spark Whitfield, John Wall, John Wall junior, Richard Whitehouse, William Wylde junior, Benjamin Wilcock, William Wilson, John Wood Clerk, Hugh Wood, and their Successors, to be elected in 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.

Trustees

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 George Wragg, known by the Sign of The Coach and Horses, in the Parish of Wingerworth, in the County of Derby aforesaid, 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 Road, 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,

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

tees, shall, from time to time, as often as such Case shall to happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, at least Six 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 Fortnight 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 Nine 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 the Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

No Order to be made unless a Majority of the Trustees present shall concur therein.

No Order to be repealed unless 9 Trustees be present.

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

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 Seven 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 Fifteen Days 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 Forty Pounds above Re-

Qualification of Trustees.

praises, or possessed of or intitled unto a Personal Estate of the Value of One hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, 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.

Trustees may erect Turnpikes and Toll-houses.

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 Road; 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 Road, 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,

and take Tolls thereat.

The Tolls.

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

And for every Chaise or Chair drawn by One Horse, or other Beast, the Sum of Three Pence.

For

For every Waggon, Wain, Cart, or Carriage, drawn by Six or more Horses, or other Beasts, the Sum of One Shilling and Six Pence.

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

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

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

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

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

Tolls to be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall 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 Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods, and Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after-mentioned.

Distress may be sold after 5 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

to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across, any Lane or Highway 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.

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

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 Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof. Property of Turnpikes, &c. vested in the Trustees. Tolls to be let by Public Auction and Sale.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Money 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 Money 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 Road, and of executing the other Purposes of this Act, and to no other Use whatsoever. Application of Monies. First may be paid after 3 Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven 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 Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any Trustees may lessen the Tolls which may be taken by the Trustees. Trustees may raise them again.

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 Seven 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 Seven 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.

Toll 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 Road, 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, and Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the said Road, 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.

Toll to be paid but Once a Day for passing through all the Gates.

Provided always, That no more than One Toll shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horses, Cattle, Beasts, and 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 One Toll, 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, and 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.

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 One Year at any One Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Road, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, and all such Composition-money shall be paid 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-money 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 Seven 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, 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 Money 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 Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit, any Ticket by this Act directed to

or giving or receiving Tickets, &c.

be

be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Road, 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, 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 Twenty 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.

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

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Tolls or Duties shall be demanded or taken for any Cattle or Carriage laden with any Materials for repairing any Road or Highway; or for any Lime, Dung, or Compost, of any Nature or Kind whatsoever, for manuring of any Gardens, or other Land or Ground, within the Township or Hamlet where such Lime, Dung, or Compost, shall be made or got; or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof; or for any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for Stocking of Land, in the several Townships or Hamlets in which the said Road hereby intended to be repaired doth lie; or for any Coaches, or other Carriages, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Derby, on the Day or Days of such Election; or for any Person or Persons going to and from Church, or other Place of religious Worship, they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Road leads; or for any Cattle or Carriage carrying Corn to any Mill to be ground, or returning empty, having delivered such Loading, or going unladen to fetch such Corn ground, or returning laden therewith, such Corn being the Property of any Inhabitant of the Mill or Hamlet, or the next adjoining Mill or Hamlet, where such Corn shall be ground,

and being for the Use and Consumption of such Inhabitant only; or for any Horse, or other Cattle, going to, or returning from, Pasture or Water; or for any Post Horse or Vehicle carrying the Mail; or for the Horses of any Officers and Soldiers on their March, or for Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes. 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; every such Person shall forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied. Penalty of making illegal Claims.

Provided always, That no Toll shall be demanded or taken for any Horse, Beast, or Carriage, laden with Charcoal or Iron Stone only made or found in the Lordship of Wingerworth, and going to Wingerworth Furnace; nor shall any Toll be demanded or taken for any Horse, Beast, or Carriage, laden with Iron Stone only found in Walton or Woodthorp, and going to the said Furnace. Particular Exemptions.

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 arising by virtue of 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 legal or less Interest such Sum and Sums of Money as they, or any Nine or more of them, shall think fit; and also they the said Trustees, or any Nine 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: Trustees may borrow Money upon the Credit of the Tolls. Notice to be given of borrowing of Money.

Assignments may be transferred.

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; and such Assignment 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 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.

Trustees may appoint Officers &c.

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 remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

and Persons, to accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if 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 Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act; then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the County of Derby, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County of Derby, 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.

Officers refusing to account,

Justices may enquire into the Default;

and commit the Offender,

till Payment or Composition made.

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.

Treasurer to give Security.

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,

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

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 to accept of a Place of Profit.

Provided also, and be it enacted, 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 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 Road, 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 Road 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 Grounds, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

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 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 Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into

into, along, or out of, the said Road, 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 Road, 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 One Month next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Trees;

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 Road, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Road, or cross any such Ditch or Drain where necessary; and also to widen any narrow Parts of the said Road, 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 Road Sixty Feet wide at the least; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (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 Recom-

Surveyors may make Causeways, &c.

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

pence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Grounds.

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 Seven or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road, through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, 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 Seven 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, seized of, or 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, 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 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 Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven 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

Bodies Politick, &c. impowered to treat.

Parts

Parts of the said new Road or Path to be made as aforesaid, for the said old Road or Path 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 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 seized 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 seized 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 Twenty one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven 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 Seven 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 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 Seven 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

Persons, &c. neglecting to treat,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

have

have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven 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, Persons seized 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 Seven 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 Seven 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 Seven 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

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Jurors may be challenged.

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

fault 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 neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and applied; so that no such Fine shall be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence. Fine not to exceed 5*l.*

Provided always, That nothing in this Act contained shall extend, or be construed or deemed to extend, to impower the said Trustees to divert, turn, or alter, the Course or Path of the said Road through certain Fields and Grounds, belonging to Richard Clay or Edward Brocksop, at a certain Place called The Hill, without the Consent of the respective Owners and Proprietors thereof. Proviso.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of the Monies to be borrowed upon the Credit 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 Seven 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 Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Road 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, in such Manner as the Road hereby appointed to be repaired Monies allowed for Lands, &c. how to be charged and tendered.

Lands, &c. purchased, to be made Part of the Road, and esteemed a publick Highway.

repaired as by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some 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 Seven 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 Road by this Act directed to be repaired; or the said Trustees, or any Seven or more of them, may, and are hereby impowered, to give in Exchange any Part or Parts of the Lands constituting the former Road, for any Part or Parts of such new 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.

Old Road may be sold.

Buildings, &c. not to be damaged.

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

Trustees not to act where interested.

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 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 making of this Act: And that all 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 Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes,

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

Inhabitants to do Statute-work.

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

and

and Places, in which any Part of the said Road 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 Fourteen Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists, which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Road 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 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, and Places, respectively, within Fourteen Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, 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 Forty Shillings: 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

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

Penalty on Surveyors neglecting to deliver in Lists

and on Persons not performing Statute-work

this Act not deemed to keep, a Team, for every Day's Default, the Sum of Two Shillings: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such 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 Road as aforesaid, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, 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 or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships or Places, first had at any Vestry or other Publick Meeting of such Inhabitants, 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; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

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

Proviſo.

Provided always, That in case any Part of the Road by this Act directed to be widened and repaired, shall be made or carried over any Moor, Common, or Waste Ground, the Parish, Hamlet, Township, or Place, to which such Moor, Common, or Waste Ground, shall belong, shall not be liable to do or perform any Statute-work

work on such Parts of the said Road as shall be so made or carried over such Moor, Common, or Waste Ground.

Persons bound to keep the Road.

And be it further enacted by the Authority aforesaid, That if any Person shall have 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; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on Persons haling Timber, otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said 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 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, there to remain without Bail or Mainprize, for any Space not exceeding Three 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.

Road to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones,

to be levied by Distress and Sale.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and 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 of Derby, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said 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 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 County Gaol, 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.

Overplus Money to be returned to the Owner.

For want of Distress, the Offender to be committed.

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 Six Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Six 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 Three Days after such Notice, entering into a Recognizance before some Justice of the Peace for the County of Derby, with Two sufficient

Notice of Appeal to be given.

Recognizance to be entered into.

sufficient Sureties, conditioned to try such Appeal at the next ensuing Quarter Session, 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. Books may be read in Evidence.

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

Distress not unlawful for want of Form, nor the Parties distraining deemed Trespassers *ab initio*.

Overplus Money to be returned to the Owner.

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, 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.

Persons aggrieved may recover Satisfaction.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance, from

Commencement and Continuance of this Act.

from the Day of the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be 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,

nor removable 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 Ten 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 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, at his

General Issue.

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 Ten 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

Treble Costs.

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.

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

FINIS.