ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 83.

An Act for widening, altering, improving and repairing the Road leading from *Alfreton* in the County of *Derby* to the Town of *Derby*.

[3d *June* 1802.]

WHEREAS the Roads leading from the Town of *Alfreton* through the ſeveral Pariſhes, Townſhips or Hamlets of *Alfreton*, *Swanwick*, *Pentridge*, *Butterly*, *Ripley*, *Denby*, *Kilburn*, *Horſeley*, *Holbrooke*, *Coxbench*, *Little Eaton*, *Breadſall*, *Little Cheſter*, and *Saint Alkmund* in the County of *Derby* to the Town of *Derby*, are greatly out of Repair, and in ſome Parts circuitous, narrow, and inconvenient for Travellers, and cannot be effectually amended, widened, improved, and kept in good Repair by the ordinary Courſe of Law: And whereas a convenient Communication between the Towns and Villages above mentioned, and a better and nearer Road from *Alfreton* to the Town of *Derby* are much wanted: And whereas if the Road from the South End of the ſaid Town of *Alfreton* over and acroſs *Alfreton* Common to the South Side of *Swanwick* Green was properly altered and amended, and a Road from thence through Ancient Incloſed Lands in the Pariſhes of *Alfreton* and *Pentridge*, on the Weſtwardly Side of the Foundery and Works thereto belonging, at *Butterley*, to a Lane called *Lows Hill Lane* was made, and the ſaid Lane through the Town of *Ripley*, and the Road from thence leading through certain Places called *Green Hillocks* and *Weſton Spot* to *Warm Wells* in the Liberty of *Ripley* was properly repaired and widened, and a Road from thence through Ancient Incloſed Lands

on the East Side of *Denby* Fire Engine, and of a Place called the *College*, and of a Plantation of Fir Trees near the same to *Smithy Houses*, and through Ancient Inclosures by the Side of the Rail Road belonging to the *Derby* Canal Company through the Liberties of *Denby*, *Kilburn*, *Horseley*, and *Coxbench* to *Coxbench* Hall was made, and the present Road from thence through *Little Eaton*, and from thence by or near to the East Side of the *Derby* Canal to and over a Bridge across the said Canal in the Liberty of *Breadsall*, and from thence to certain Ancient Inclosures in *Breadsall*, was widened, altered, and repaired, and a new Road made from thence through the said Ancient Inclosures by the West Side of the said Canal to *Breadsall* Common, and from thence over the said Common through *Breadsall* Field and Ancient Inclosures in the Liberty of *Little Chester*, and the Ancient Road from thence to the Town of *Derby* was improved, the same would be of great Benefit to the said Towns of *Alfreton* and *Derby*, the several intermediate Villages and the adjacent Country, and would greatly facilitate the Communication between the Towns of *Birmingham* and *Sheffield*, and be in other Respects of great public Utility: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Right

Trustees. Honourable Lord *George Augustus Henry Cavendish*, Sir *Henry Harpur*, Baronet, Sir *Robert Wilmot* of *Chaddesden*, Baronet, Sir *Robert Wilmot* of *Osmaston*, Baronet, The Mayor of the Borough of *Derby* for the Time being, *Francis Agard*, *William Antill*, *John Balguy*, *Hugh Bateman*, *Thomas Bainbrigge*, *John Beresford*, *Francis Bradshaw*, The Reverend *Joseph Bradshaw*, *Robert Battell*, *George Barker*, *John Borrow*, *James Boot*, *Francis Bruckfield*, *Charles Burton*, *Gervas Bancroft*, *William Briggs*, *John Bingham*, *Gilbert Brown*, *William Bailey*, *John Bealey*, *Thomas Brown*, *Edward Brambley*, *Joseph Brambley*, *Charles Blomar*, *Henry Browne*, *William Brookshaw*, *John Bowler*, *John Bacon*, *Daniel Parker Coke*, *Nathaniel Gooding Clarke*, *D'Ewes Coke*, Junior, *John Chatterton*, *Edward Cater*, *Thomas Cox*, *Edward Soresby Cox*, *John Clay*, *James Cade*, The Reverend *Joseph Collier*, *Charles Callow*, *William Collumbell*, *John Chamberlin*, *George Cheatham*, *Job Clarke*, *John Campion*, *Francis Carey*, *Thomas Dummelow*, *Arthur Drinkwater*, *William Davis*, *John Dethick*, *Edward Dawson*, *Thomas Evans*, *Nathaniel Edwards*, *William Eaton*, The Reverend *Richard Dodsley Flamstead*, *Richard Forrester Forrester*, M. D., *Francis Fox*, M. D., *Edward Fox*, *Henry Fox*, *Samuel Fox*, *James Fletcher*, *James Ford*, *John Gardin*, *Robert Charles Greaves*, *Thomas Grime*, *John Goodall*, *Henry Greatorex*, *John Gregory*, *Robert Grayson*, *Thomas Green*, The Reverend *Charles Holden*, *John Cressy Hall*, *John Harrison*, *Abraham Hoskins*, *George Hardy*, *Richard Holland*, *Joseph Howton*, *William Harriman*, *Benjamin Harrington*, *John Hawley*, *Edward Hollingshead*, *Henry Phillips Hadley*, *William Hickenbotham*, *Thomas Haslam*, *Henry Hunter*, *Matthew How*, *William Holliwell*, *Joseph Holmes*, *William Hopkinson*, *Daniel Hopkinson*, *John Hopkinson* of *Derby*, *William Harrison* *Abraham Hearnshaw*, *Joseph Hunt*, *Samuel James*, The Reverend *Nathaniel Palmer Johnson*, *William Jessopp*, *Francis Jessopp*, *Richard Paul Jodrell*, *Richard Johnson*, *William Brooks Johnson*, *Robert Johnson*, *John Keeling*, *Thomas Kirk*, *William Kemp*, *William Drury Lowe*, *William Jeffery Lockett*, *George Lowe*, *Charles Lowe*, *John Lancashire*, The Reverend *William Lawson*, *Edward*

Miller Mundy, *Francis Noel Clarke Mundy*, The Reverend *Henry Caſe Morewood*, *John Matchitt*, *John Marſhall*, *Henry Meakin*, *William Marriott*, *Edward Moore*, *Joſeph Morley*, *Henry Moore*, *John Marſden*, *Thomas Moſs*, *Richard Newton*, *Joſeph Outram*, *Benjamin Outram*, *Joſeph Outram*, Junior, *James Oſborne*, *William Oſborne*, *Joſeph Oſborne*, *Thomas Pares*, *Iſaac Spencer Page*, *James Potter*, *Richard Peach*, Junior, *John Parker*, *John Radford*, *Henry Richardſon*, *Ambroſe Rotton*, *Samuel Richardſon*, *Thomas Roberts*, *Samuel Roberts*, *Benjamin Radford*, *William Riley*, *Benjamin Rickards*, *Richard Roſe*, *William Radford*, *Thomas Radford*, *Edward Sacheverell Sitwell*, *Robert Strelley*, *Benjamin Strelley*, The Reverend *Joſeph Smith*, *George Benſon Strutt*, *William Strutt*, *Joſeph Strutt*, *William Snowden*, *Thomas Saxelbye*, *Benjamin Smith*, *Benjamin Smith*, Junior, *John Robert Sharpe*, The Reverend *Joſeph Smith*, *James Simpſon*, *Thomas Sale*, *Mark Swinnerton*, *John Stanley*, *Henry Strafford*, *Joſeph Sanders*, *George Sneeſby*, *William Siddall*, *Robert Siddall*, Junior, *Joſeph Thacker*, *William Turbutt*, *William Turbutt*, Junior, The Reverend *Richard Turbutt*, *Wotton Byrchinſhaw Thomas*, *Thomas Tempeſt*, *John Topham*, *Thomas Thompſon*, *James Turton*, *John Turton*, *Thomas Turton*, *Charles Upton*, The Reverend *Robert Wilmot*, *Francis Wilmot*, *Hugh Wood*, Reverend *John Wood*, *Robert Wood*, *William Waller*, *Robert Waller*, *John Wright*, *Edward Ward*, *William Ward*, *George Wheeldon*, *William White*, *William Wollatt*, *George Wotton*, *William Wright*, *Robert Wright*, Junior, *Robert Whyſall*, *David Whyſall*, *James Wilſon*, *Richard Witton*, *William Woodward*, *Robert Woodward*, *John Wall*, *Charles Walker*, and the reſpective Proprietors of the *Derby* Canal for the Time being, and their Succeſſors to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Truſtees for making, maintaining, widening, altering, improving, and repairing the ſaid Road, and for otherwiſe putting this Act in Execution.

Qualification of Truſtees.

II. Provided always and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, whilſt he holds any Place of Profit under the ſame, nor in any particular Caſe wherein he ſhall be perſonally intereſted, nor ſhall any Perſon be qualified to act as Truſtee, unleſs he ſhall at the Time of his Acting be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments in the County of *Derby*, of the clear Yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon having ſuch Eſtate, of the clear Yearly Value of One Hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate to the Amount of One Thouſand Pounds, nor (except in adminiſtering the Oath or Affirmation following, and giving Notice of the firſt Meeting of the Truſtees hereinaftermentioned), until he ſhall have taken and ſubſcribed before any Two or more of the ſaid Truſtees (who are hereby authoriſed to adminiſter the ſame), an Oath or Affirmation in the Words or to the Effect following, as the Caſe may require (that is to ſay),

Oath.

'I *A. B.* do ſwear (or, being One of the People called *Quakers*, do ſolemnly affirm), that I truly and *bona fide* am, in 'my own Right (or in the Right of my Wife), in the actual Poſſeſſion and Enjoyment (or Receipt) of the Rents and Profits of

'Lands

'Lands, Tenements, or Hereditaments in the County of *Derby*, of 'the clear Yearly Value of Fifty Pounds above Reprizes (or 'am poſſeſſed of or entitled to a Perſonal Eſtate of the Value of 'One Thouſand Pounds, or am the Heir Apparent of *A. B.*, 'who, to the beſt of my Knowledge, is ſeiſed of a real Eſtate of 'Lands, Tenements, or Hereditaments in the County of *Derby*, of 'the clear Yearly Value of One Hundred Pounds above Reprizes).'

'So help me GOD.'

Penalty on acting if not qualified.

III. And if any Perſon, diſqualified by any of the Cauſes aforeſaid, or not being qualified as aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided, nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Mortgagees may act.

Truſtees in Commiſſion of the Peace may act as Juſtices.

IV. Provided always, That any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall not on that account be deemed unqualified to act as a Truſtee; and that ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid County of *Derby*, may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees.

Election of new Truſtees.

V. And be it further enacted, That when and ſo often as any Truſtee ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, by Writing under their Hands, from Time to Time, to elect and appoint One other Perſon to be a Truſtee in the Room or Stead of ſuch Truſtee ſo deceaſed or refuſing to act; but Notice of the Time and Place of the Meeting for every ſuch Election of New Truſtees, ſhall be given by the Clerk of the ſaid Truſtees, by affixing the ſame in Writing upon all the Toll Gates or Turnpikes then erected, by virtue of this Act, and alſo by inſerting the ſame in ſome Newſpapers circulated in the Neighbourhood of the ſaid Roads, at leaſt Ten Days before any ſuch Meeting; and every ſuch Perſon as ſhall, from Time to Time, be ſo choſen and appointed, is hereby veſted with the ſame Powers for putting this Act in execution, as if ſuch Perſon had been named in and appointed a Truſtee by this Act.

Truſtees may ſue or be ſued

VI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, in the Name of their Clerk or Treaſurer; and that no Action

Action which shall be brought, or commenced by, or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act or Default of such Clerk or Treasurer, without the Consent of the Trustees, at a Meeting to be held for that Purpose; but the Clerk or Treasurer to the said Trustees for the Time being, shall be deemed Plaintiff or Defendant in such Action, as the Case may be. in the Name of their Clerk.

VII. Provided always, That every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid, out of the Moneys to be raised by virtue of this Act, all such Costs, Damages, and Charges, as by the Event of every such Proceeding he shall be put to, or become chargeable with, by Occasion of his being so made Plaintiff or Defendant. Clerk to be repaid his Expences.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of *Richard Rose*, known by the Sign of the *George* Inn, at *Derby* aforesaid, on the Fourteenth Day after this Act shall have received the Royal Assent, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, of which Meeting Notice shall be given in some Newspaper circulated in the Neighbourhood, at least Seven Days before such Meeting, by One or more of the said Trustees; at which Time and Place the said Trustees shall proceed to the Election of a Clerk, and to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place upon, or within One Mile from the said Road, as the said Trustees attending the said Meetings shall think most convenient, as often as it shall be necessary for putting this Act into Execution: And if it shall happen, that there shall not appear at any Meeting a sufficient Number of Trustees, to act or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only); or in case the Trustees at any Time assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the Trustees, shall, by Notice in Writing, to be affixed on all the Toll-Gates or Turnpikes, then erected on the said Road, and to be inserted in some Newspaper circulated in the Neighbourhood of the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held, or was appointed to be held, or at some other convenient House in or near the said Road, on that Day Three Weeks from the Day on which such Meeting was held, or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall neglect or refuse to give such Notice, or by any Means shall be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting), at any Time or Times, after the Space of Ten Days after such Refusal or Neglect or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the said Trustees to meet at some convenient House in or near the said Road, upon that Day Three Weeks after Time and Place of first Meeting of the Trustees.

Trustees to bear their own Expences.

the Date of such last-mentioned Notice; and that the said Trustees at all their Meetings shall defray their own Charges and Expences: Provided always, That no Act, Order, or Proceeding of the Trustees shall be deemed to be valid, unless done, made, or had at a Meeting held in pursuance of this Act (except in Cases herein particularly provided for); and that no such Act, Order, or Proceeding, shall be done made, or had, unless the Majority of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings, which are hereby directed to be done, made, or had, by or before the said Trustees, shall and may be done, made, or had, by or before any Five or more of them, except where any other Number is hereby directed; and that all Acts, Orders, or Proceedings so done, made, or had, shall have the same Force and Effect as if the same were done, made, or had, by or before all the Trustees; nor shall any Order or Appointment, made at any Meeting of the said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration intended to be made, be affixed upon all the Toll-Gates or Turnpikes then erected by virtue of this Act, and also inserted as aforesaid, at least Fifteen Days before such subsequent Meeting; nor unless a Majority of Three Fourths of the Trustees present at such Meeting shall decide in favour of such Revocation or Alteration.

Meetings on Emergencies.

IX. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall at any Time be thought necessary by any Five or more of the said Trustees, that an earlier Day of Meeting should be appointed than that Day to which such Meeting shall have been adjourned, the said Clerk by an Order in Writing, signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Ten Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Orders and Proceedings to be entered in Books and admitted as Evidence.

X. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept by the Clerk for that Purpose, and signed by all or the major Part of the Trustees present at the Meeting, at which each respective Order or Proceeding shall be made or had, or by their Chairman or Clerk by their Order; and that every such Book shall be open at all seasonable Times to the Inspection of any of the said Trustees, who shall be at liberty to take Copies thereof, or Extracts therefrom, without Fee or Reward; which said Entries, duly signed as aforesaid, shall be deemed Originals; and the same, or true Copies thereof, shall be read and admitted as Evidence in Cases of Appeal, and in all Suits or Actions in any Court whatsoever, touching any Thing done in pursuance of this Act.

Trustees may appoint Officers.

XI. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands, nominate and appoint one or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, Surveyor or Surveyors of the said Road, and also such other Officers as they shall think necessary to employ

in the Execution of this Act; and ſhall take ſuch Security for the Execution of their reſpective Offices as they the ſaid Truſtees ſhall deem requiſite; and the ſaid Truſtees alſo may, from Time to Time, remove any ſuch Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer, as they ſhall ſee Occaſion, and appoint others in Caſes of ſuch Removal or of Death; and that, out of the Moneys to be received by Virtue of this Act, ſuch Allowances and Compenſations ſhall be made to the ſeveral Officers to be appointed as aforeſaid, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to the ſaid Truſtees ſhall ſeem proper.

Officers to account on Oath.

XII. And be it further enacted, That all ſuch Officers and all other Perſons ſhall, from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, by Virtue, or in Conſequence of this Act; and how, and to whom, and for what Purpoſe the ſame, or any Part thereof, hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify the Accounts upon Oath; and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as, upon the Balance of ſuch Account or Accounts, ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render or give ſuch Accounts as aforeſaid, or to produce or deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof on Oath (which Oath the ſaid Truſtees, or any One or more of them, is or are hereby authorized and empowered to adminiſter), or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Four Days after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings, in their reſpective Cuſtody or Power, in anywiſe relating to the Execution of this Act or to the ſaid Road, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall be, or reſide, by any One or more of the ſaid Truſtees, or by any Perſon or Perſons on their Behalf, ſuch Juſtice may and is hereby authorized and required by Warrant or Warrants to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him; and upon his, her, or their appearing, or not appearing, (except for ſome reaſonable Excuſe, and having been firſt duly ſummoned,) to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if, upon the Settlement of ſuch Account or Accounts, or upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authorized

thorized and required upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, reſpectively; and if Goods or Chattels ſhall not be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale; or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe (except as aforeſaid), or, appearing, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of any ſuch Accounts, or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Cuſtody or Power, relating to the Execution of this Act or to the Road in anywiſe; then, and in either of the Caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the reſpective County or Place, there to remain without Bail or Mainprize, until he, ſhe, or they ſhall have delivered in and ſettled his, her, or their Accounts, and have verified the ſame upon Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made; or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition-Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees are hereby in ſuch Caſe empowered to make); or until he, ſhe, or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon ſhall be committed, for Want of ſufficient Diſtreſs, for any longer Space of Time than Six Calendar Months.

Truſtees to appoint temporary Collectors.

XIII. And be it further enacted, That upon the Death, Incapacity, Abſconding, Miſbehaviour, or Abſence of any Collector or Receiver of the Tolls, any Five or more of the ſaid Truſtees, though not at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver who ſhall become incapable, abſcond, miſbehave, or abſent himſelf as aforeſaid, and nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls in the Stead of ſuch Collector or Receiver ſo dying, abſconding, or being diſcharged as aforeſaid, and to continue until the next Meeting of the Truſtees; which Perſon, ſo nominated and appointed, ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all reſpects as the Perſon who ſhall die, abſcond, or be diſcharged, would have had or been ſubject to; and that if any Collector or Receiver of the Tolls who ſhall at any Time be diſcharged from his ſaid Office by the Truſtees by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon,

ſon, ſhall refuſe or neglect to deliver up the Poſſeſſion of any Toll-Houſe or Building to be erected or ſet up by virtue of this Act for the Space of Four Days after Demand thereof made, and Notice in Writing given or left on the Premiſes for that Purpoſe by or under the Hands of any Three or more of the ſaid Truſtees, or their Clerk or Treaſurer; then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County in which ſuch Toll-Houſe or Building ſhall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer within the ſaid County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, and the Occupier or Occupiers thereof, together with his or their Goods, out of the ſame, and to put the ſaid Truſtees, or any of them, or their Clerk or their new-appointed Officer into the Poſſeſſion thereof, with the Appurtenances.

Power to erect Turnpikes and Toll Houſes.

XIV. And be it further enacted, That the ſaid Truſtees ſhall and may erect and ſet up, or cauſe to be erected and ſet up, Three or more Toll-Gates or Turnpikes in, upon, and acroſs the ſaid Road, provided that Three Tolls only be taken thereat (except as hereinafter mentioned); and alſo may erect and ſet up, or cauſe to be erected and ſet up, acroſs or on the Sides or Side of any Part of the ſaid Road, and alſo acroſs any Lane or Way leading into the ſame, as many Side-Gates or Turnpikes as they ſhall think proper, with a Toll-Houſe and proper neceſſary Buildings, Gardens, Conveniencies, and Fences, near to each ſuch Gate or Turnpike, whether acroſs the ſaid Road or on the Side thereof (except alſo as hereinafter mentioned); and that the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint at each of the ſaid Gates or Turnpikes:

For every Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calaſh, Hearſe, Chaiſe or Phaeton, Whiſky or Chair, drawn by more than Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Six-pence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Three-pence:

And for every Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of Three-pence *per* Horſe; and drawn by Five Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Nine-pence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Six-pence:

For every Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, and drawn by Four or more Horſes or other Beaſts of Draught, the Sum of Four-pence Halfpenny *per* Horſe; and drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and One-penny Halfpenny; and drawn by

Two Horſes or other Beaſts of Draught, the Sum of Nine-pence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Four-pence Halfpenny:

And for every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

And for every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

And for every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

Sunday Toll. XV. And whereas it is apprehended the above Tolls will not be ſufficient for the Purpoſes of this Act, be it therefore enacted, that it ſhall be lawful for the ſaid Truſtees, or the Perſon or Perſons appointed by them as aforeſaid, and he and they are hereby authorized and required to demand and take, or cauſe to be demanded and taken, (over and above the reſpective Tolls above mentioned,) One additional full Toll from all Perſons who ſhall paſs with any Horſe, Cattle, or Carriage on a *Sunday*, except Public Stage Coaches and Fiſh Carts; and (except as hereinafter excepted) and that it ſhall alſo be lawful for the ſaid Truſtees, or ſuch Perſon or Perſons as aforeſaid, and he and they are hereby further authorized and required, between the Thirty-firſt Day of *October* and the Firſt Day of *May* in every Year, to demand and take, or cauſe to be demanded and taken, except on *Sundays*, (over

Winter Toll. and above the reſpective Tolls hereinbefore firſt mentioned,) One further Half Toll in Addition to ſuch reſpective Tolls, from all Perſons who ſhall paſs with any Horſe, Cattle, or Carriage, between the Town of *Alfreton* and the Town of *Derby* in any Year through any Turnpike erected or to be erected by virtue of this Act (except as aforeſaid); and ſhall and may from Time to Time, and at all Times of the Year, demand and take, over and above the reſpective Tolls hereinbefore ſpecified, for every Ton of Pig Iron, Bar Iron, Caſt Iron Goods, Pig Lead, manufactured Lead, and Timber, only as ſhall be made, manufactured, or cut down within Two Thouſand Yards from any Part of the *Derby* Canal and Railway, between *Derby* and *Smythy Houſes* and *Smalley Mill*, and which ſhall be carried or conveyed in any Waggon, Wain, Cart, or other ſuch Carriage, or on Horſes, on any Part or Parts of the ſaid Road between *Smythy Houſes* and *Little Cheſter*; and for every Ton of Coal, Coak, Iron-Stone, Iron-Ore, Lead-Ore, and other Minerals, and Clay, which ſhall be carried or conveyed in any Waggon, Wain, Cart, or other ſuch Carriage, or on Horſes, on any Part or Parts of the ſaid Road between *Smythy Houſes* and *Little Cheſter*, the additional Sum of One Shilling and Five-pence; for every Ton of Lime and Lime-Stone to be carried as aforeſaid, Four-pence; and for every Ton of Bricks, Grit Stone, or Free Stone, to be carried as aforeſaid, Three-pence; and ſo in Proportion for any greater or leſs Quantity.

Manner of Recovery. XVI. Which ſaid reſpective Sums of Money ſhall be demanded and taken 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

Perſon or Perſons appointed to collect the ſaid Tolls by himſelf, herſelf, or themſelves, or, taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, (and which Aſſiſtance all Perſons are hereby required to give if called upon,) to ſeize and diſtrain any Horſe or Horſes, or other Beaſts or Cattle, upon which ſuch Toll is by this Act impoſed, together with their Bridles, Sadles, Geers, Harneſs, or Accoutrements; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle or Things, ſo ſeized or diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be), and what ſhall remain unſold, on Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizures and Diſtreſs, ſhall be deducted and paid; and that all the Tolls and Monies ſo to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, and all other Monies ariſing by virtue hereof, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be paid, applied, and diſpoſed of, to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein mentioned.

Tolls to be taken at Two Gates only for paſſing through *Shirland Lodge* Gate, to and from *Derby*.

XVII. Provided always, and be it enacted, That no Toll ſhall be demanded and taken at more than Two Turnpike Gates in any one Day on the ſaid intended Road, for or in reſpect of any Horſe, Cattle, Cart, or Carriage, which ſhall on any ſuch Day travel or paſs through the Turnpike Gate near *Shirland Lodge* to or from *Derby*.

No Toll-Gates to be erected between *Alfreton* and *Swanwick*.

XVIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to erect any Toll-Gate or Toll-Gates, Turnpike or Turnpikes whatſoever, between the Town of *Alfreton* and *Swanwick* aforeſaid, any Thing herein contained to the contrary notwithſtanding.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XIX. Provided always, and be it further enacted, That, if any Diſpute ſhall happen about the Quantity of Tolls due, or the Charges of keeping any Diſtreſs or Diſtreſſes, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by Sale thereof, as the Caſe may happen, until the Quantity of Tolls due, and Charges of ſeizing, diſtraining, keeping, and ſelling, ſuch Diſtreſs or Diſtreſſes, ſhall be aſcertained by ſome Juſtice of the Peace for the reſpective Counties; who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or any credible Witneſs or Witneſſes, and determine the Quantity of the Tolls due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector or other Perſon before he ſhall be obliged to return any Diſtreſs, or the Overplus Money, after the Sale thereof, or of any Part thereof.

Collectors of Tolls competent Witneſſes.

XX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, or to the Execution of any of the Powers of this

this Act, the Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and are hereby declared to be competent to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Collectors of Tolls to put their Names on the Front of the Toll-Houſe.

XXI. And be it further enacted, That every Collector or Receiver of the Tolls on the ſaid Road ſhall and is hereby required to place his Chriſtian and Surname, painted on a Board, in White Letters on a Black Ground, in fair legible Characters, of ſuch Size as the ſaid Truſtees ſhall direct, in the Front of the Toll-Houſe where he ſhall be ſtationed to collect the ſaid Tolls, immediately on his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector or Receiver of the ſaid Tolls ſhall not place ſuch Board, as aforeſaid, in the Manner and during the Time aforeſaid, or ſhall demand or take a greater Toll from any Perſon than he ſhall be authoriſed to do by virtue of this Act, or ſhall refuſe to permit or ſuffer, or in anywiſe hinder, any Perſon or Perſons from reading ſuch Chriſtian or Surname when placed up as aforeſaid, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame upon having paid the ſaid Tolls, or ſhall give a falſe Name, upon ſuch Demand every ſuch Collector or Receiver ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings for every ſuch Offence.

Application of the Money.

XXII. And be it further enacted, That out of the Monies to be received by virtue or to be borrowed on the Credit of this Act, the ſaid Truſtees ſhall firſt pay and diſcharge the Expences of procuring and paſſing this Act; and the Remainder of ſuch Monies ſhall from Time to Time be applied in erecting Toll-Gates, or Turnpikes and Toll-Houſes, and in making, repairing, widening, altering, improving, and keeping in Repair, the ſaid Road and Works, and in defraying the neceſſary Expences attending the Execution of this Act, and in paying the Intereſt and Principal of any Money to be borrowed by virtue hereof, and to no other Uſe or Purpoſe whatſoever, except as hereinafter mentioned.

Tolls to be taken but once for paſſing and re-paſſing.

XXIII. Provided always, and be it further enacted, That no Perſon who ſhall have paid one whole Toll for paſſing through any Toll-Gate or Turnpike to be erected by virtue of this Act, ſhall be ſubject to any Toll for returning through ſuch Toll-Gate or Turnpike once on the ſame Day before Twelve of the Clock at Night, but ſhall ſo return Toll-free (except ſuch Waggons, Carts, Caravans, Timber Carriages, or other Carriages as ſhall paſs or repaſs through any of the ſaid Toll-Gates or Turnpikes laden with any Loading of the Weight of Three Hundred Pounds or upwards of Six Score to the Hundred, and ſhall return the ſame Day alſo laden with any Loading of the Weight of Three Hundred Pounds or upwards as aforeſaid); which ſaid Carriages, and the Cattle drawing the ſame, ſhall be liable to the Payment of Tolls for returning through any ſuch Toll-Gate or Turnpike.

Truſtees may leſſen the Tolls and raiſe them

XXIV. And be it further enacted, That the ſaid Truſtees, at any Meeting to be held for that Purpoſe, (whereof Twenty-one Days' Notice ſhall be fixed in Writing upon all the Toll-Gates or Turnpikes then erected by

by virtue of this Act,) may, and they are hereby empowered, from Time to Time, to reduce all or any of the ſaid Tolls hereby granted, and to order ſuch Tolls ſo reduced to be collected and received, in ſuch Manner, Parts, and Proportions as they ſhall think fit, ſo as ſuch Reduction be no Prejudice to, and be with the Conſent of Three-fourth Parts, in Value of the ſeveral Perſons who ſhall be entitled to the Money then due on the Credit of the ſaid Tolls at the Time of ſuch Reduction; and the ſaid Truſtees may and they are hereby empowered to raiſe the ſaid Tolls again, or any Part thereof, ſo as the ſame do not exceed the reſpective Rates herein-before granted; and ſuch Tolls, ſo reduced and raiſed again reſpectively, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

again if neceſſary.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall diſpoſe, or offer to diſpoſe, of any Ticket to any Perſon or Perſons, in order to evade the Payment of any of the ſaid Tolls, every ſuch Perſon or Perſons receiving and making uſe of the ſame, ſhall reſpectively forfeit any Sum, not exceeding Forty Shillings, nor leſs than Twenty Shillings, whereof one Moiety ſhall go to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act.

Penalty for diſpoſing of Tickets to avoid the Tolls.

XXVI. Provided always, and it is hereby enacted and declared, That no Toll ſhall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day Stone, Brick, Gravel, or other Materials for making or repairing the ſaid Road, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Road leads; or laden only with Dung, Marle, Soil, Lime, or other Manure, to be uſed in manuring any Lands or Grounds within the Pariſh of *Breadſall*, or any Pariſh in which any of the ſaid Turnpikes or Toll-Gates are or ſhall be erected, or in any of the next adjoining Pariſhes, at ſuch laſt-mentioned Toll-Gates; or with any Graſs, Hay, Santfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houſes, Outhouſes, Barns, Yards, or Premiſes of the reſpective Inhabitants or Occupiers of Land, within the ſaid reſpective Pariſhes, Hamlets, or Places, being the Growth and Produce of Land held and occupied by the reſpective Inhabitants or Occupiers within ſuch reſpective Pariſh, Hamlet, or Place, and carried for their own private Uſe and Conſumption only, and not for Sale; nor for any Cattle drawing or Carriage going with or going empty or returning empty, after being laden only with any Plough, Harrow, or other Implements of Huſbandry belonging to any ſuch Inhabitant or Occupier; nor for any Horſe or Horſes, or other Cattle, going to or from Water, or to be ſhoed or farried, Plough, Paſture, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes, Hamlets, or Places; or going to be, or returning from being ſhoed; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or of or from any Perſon or Perſons, in any of the ſaid Pariſhes or Places, for paſſing through any of the ſaid Toll-Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to

Exemptions from Tolls.

be celebrated to or from his, her, or their respective Parish Church, or other usual Place of religious Worship, licensed according to Law for the Purpose of attending, or, after having attended Divine Service thereat, or for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person to be interred in any of the said Parishes or Places; or for any Horses or Carriages of whatever Description employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskys, Chairs, or other Carriages; or Passengers on horseback going to or returning from any Elections of any Knight or Knights of the Shire, to serve in Parliament for the said County or Borough of *Derby*, on the Day or Days of such respective Elections, or on the Day before or Day after such Elections shall begin or be concluded; or for any Horses or Carriages employed or to be employed in conveying or carrying any Coals, Iron-Stone, or Lead-Ore which shall have been got and raised within the Liberty of *Denby*, on such Part of the said intended Road as shall be made between *Smithy Houses* and the northwardly Boundary of the said Liberty of *Denby*, or for such Horses or Carriages returning empty on such Part of the said Road; nor more than one Half Toll in respect of any Horse, Cart, or other Carriage belonging to any Owner or Occupier of Lands in the Liberty of *Breadsall*, passing on the said intended Road between *Breadsall* and *Derby*: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

No Exemptions to be taken for narrow-wheeled Waggons and Carts.

XXVII. Provided, nevertheless, That no Person shall have or be entitled to any Exemption from Toll, as aforesaid, for or in respect of any Waggon, Cart, or other such Carriage, having, at the Time of using thereof, Wheels of less Breadth than Six Inches on the Side or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or so as not to deviate more than a Quarter of an Inch from a flat Surface, or shall not have the Nails countersunk, so as not to rise above the Surface; or for or in respect of any other Cart or other Carriage which, together with the Loading thereof, shall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the General Laws, now in being, for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*; to Waggons, Carts, and Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls hereby imposed: And it shall be lawful for the said Trustees to order all such Waggons, Carts, or other Carriages to be weighed in like Manner, and

and with the ſame Powers and Authorities as are directed for the weighing of Carriages by the ſaid Act, made in the Thirteenth Year of His preſent Majeſty's Reign.

Truſtees may let the Tolls.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting, whereof Twenty-one Days' Notice ſhall have been given in Writing, affixed upon all the Toll-Gates or Turnpikes then erected by virtue of this Act, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road, from Time to Time, by Writing under their Hands, to let and demiſe, or agree to let and demiſe, the Tolls ariſing by Virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Five Years, upon Public Bidding, to the Higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Times, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

For letting Weighing Engines.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any ſuch Meeting, after ſuch Notice, to let to farm either with or without the Tolls, by this Act authorized to be taken, the Weighing Engines, which may be erected by virtue of the ſaid recited Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, the Additional Tolls or Duties granted and made payable thereat, for any Carriage which, with its Loading, ſhall weigh more than the Weight allowed by Law, provided that the ſaid Additional Tolls be let in the ſame Manner as the Tolls ariſing at the Toll-Gates or Turnpikes are by this Act directed or preſcribed to be let.

Enabling the Truſtees to take Poſſeſſion of Toll-Houſes when let to farm.

XXX. And be it further enacted, That in caſe any of the ſaid ſeveral and reſpective Tolls ſhall at any Time or Times, during the Continuance of this Act, be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, or Farmer or Farmers, ſhall be in Arrear, by the Space of Ten Days on which the ſame ought to be paid, purſuant to the Agreement for letting the ſame, then, and in either of thoſe Caſes, the ſaid Truſtees or any Three or more of them, although not aſſembled at a Meeting, or their Clerk or Treaſurer, or other Perſon authorized by Writing, under the Hands of any Three or more of them as aforeſaid, ſhall be at Liberty, and they are hereby authorized to enter into and upon the Poſſeſſion of the Toll-Houſe or Toll-Houſes, with the Buildings, Gates, and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers; and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants and Agreements for Payment of the Rent or

Rents thereby reſerved) as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Penalty on permitting Perſons to go through private Grounds.

XXXI. And be it further enacted, That if any Perſon or Perſons, owning or occupying any Land or Place near to the ſaid Road, ſhall knowingly permit or ſuffer any Perſon or Perſons who ſhall have travelled on the ſaid Road for the Diſtance of One Hundred Yards, to paſs through any Gate, Paſſage, Incloſure, or Private Way, with any Horſe, Cattle, or Carriage; or if any Perſon or Perſons ſhall paſs through any ſuch Gate, Paſſage, Incloſure, or Private Way, with any Horſe, Cattle, or Carriage, having immediately previouſly thereto gone upon or uſed the ſaid Road, whereby the Payment of any of the ſaid Tolls or any Part thereof ſhall be avoided; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage, with Intent to avoid paying any of the ſaid Tolls or any Part thereof, or ſhall leave or cauſe to be left, upon or near the ſaid Road, any Cattle or Carriage as aforeſaid, every Perſon ſo offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Power to remove Gates and Toll-Houſes:

XXXII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to take down and remove any Toll-Gate or Turnpike Buildings, and other Conveniencies erected or provided by virtue of this Act, and to diſcontinue or to ſet up the ſame again in or on the Side of any other Part of the ſaid Road, except as aforeſaid.

Notice to be given of Meetings to be held for that Purpoſe.

XXXIII. Provided, nevertheleſs, That no Toll-Gate or Turnpike to be erected or ſet up by virtue of this Act ſhall, at any Time after the ſame ſhall be ſo ſet up, be taken down or removed to any other Place, except by order of the ſaid Truſtees, at a Meeting convened for that Purpoſe, and unleſs Notice in Writing, ſpecifying the Purpoſe of ſuch Meeting, be affixed upon all the Turnpikes then erected by virtue of this Act, and alſo inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road Twenty-one Days at leaſt before ſuch Meeting; any Thing in this Act contained to the contrary thereof notwithſtanding.

Turnpikes and Toll-Houſes veſted in Truſtees.

XXXIV. And be it further enacted, That the Right and Property of all the ſaid Toll-Gates, Turnpikes and Toll-Houſes, and other Buildings to be erected or provided upon at the Side of or near the ſaid Road, and of the Materials for building or altering the ſame reſpectively, and all Materials, Tolls, and other Things, which ſhall be provided, collected, or made uſe of, for making, repairing, or improving the ſaid Road, or for executing this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees; and they are hereby authorized and empowered to bring Actions in the Name or Names of any One or more of them, and of their Treaſurer or Treaſurers, Clerk or Clerks, or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, or damage any of ſuch Toll-Gates, Turnpikes, Toll-Houſes, or

or other Buildings, Materials, Tolls, or other Things, as aforesaid, or disturb the said Trustees, or any of them, or any of their Collectors or other Officers, in the Possession thereof, or of any of them.

Power to mortgage the Tolls.

XXXV. And be it further enacted, That the said Trustees, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon all the Toll-Gates or Turnpikes then erected by virtue of this Act, and inserted in some Newspaper circulated in the Neighbourhood of the said Road, may, and they are hereby empowered, from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the Tolls to be collected and levied at any of the said Toll-Gates or Turnpikes, or any Part thereof respectively, and also the said respective Toll-Houses and Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees upon the Credit of such respective Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same to secure the Repayment thereof, with such Interest as the said Trustees shall think proper; which said Money so borrowed shall be applied and disposed of in such Manner as the Tolls are herein directed to be applied and disposed of; and that such Mortgage or Mortgages or Assignments may be in the Form following, or in such other Form as the said Trustees making the same shall think proper:

Form of Mortgage.

'BY virtue of an Act made in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled [*here insert the Title of this Act*;] we of the Trustees for executing the said Act, in Consideration of the Sum of to the Treasurer of the said Road in Hand paid, do grant, bargain, sell, and demise unto *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising from the said Road, and of the Turnpikes and Toll-Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from the Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner paid and satisfied.'

And Copies of such Mortgages shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected by the said Trustees or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may, from Time to Time, transfer his or her Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any other Person or Persons whomsoever, by Indorsement on the Back

of such Security, or by any other Writing under his or her Hand, before One credible Witness, in the following Words, or Words to the like Effect (*videlicet*):

Form of Transfer.

'I Do transfer this Mortgage (or a certain Mortgage, as the Case may be), with all my Right and Title to the Principal thereby secured, and to all Interest now due upon the same, unto Executors, Administrators, and Assigns. Dated this Day of

'A. B.'

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Twenty Days after the Date thereof; who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Six-pence; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, 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 or Persons (except the Person and Persons to whom the same shall be last assigned,) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons, to whom any Mortgage or Transfer shall be made by virtue of this Act, shall be in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of the Time of advancing any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

Trustees may alter or widen Roads.

XXXVI. And be it further enacted, That the said Trustees shall be, and are hereby, fully empowered to make the Road intended by this Act to be made, and from Time to Time to turn, divert, alter, or widen any Part of the said Road or Roads; and for that Purpose, from Time to Time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to any Part or Parts of the said Road, (provided that such Part or Parts of the said Road as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Sixty Feet, including the Ditches,) and to pay for the said Lands and Hereditaments respectively by and out of the Tolls and other Monies to be raised by virtue of this Act: And it shall be lawful for all Bodies politic or corporate, Corporations aggregate or sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees for and on Behalf of Infants, Feme Coverts, and to and for all other Persons whatsoever, to contract and agree with the said Trustees for the absolute Sale or Exchange of such Lands or Hereditaments, and of their respective Estates and Interests therein; and may and are hereby enabled to convey such Lands to the said Trustees, or to permit them to take and use the same for the Purposes aforesaid; and all Contracts, Sales, and Conveyances that shall be so made as aforesaid, shall be valid and binding upon all Persons, and for all Intents and Purposes

poſes whatſoever: But this Act ſhall not extend to the taking down of any Dwelling-houſe or other Building, or to the taking in of any Land that is a Garden adjoining to any Dwelling-houſe, or any Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or the Scite of any Manufactory or Reſervoirs, Railways, Timber-Yards, Coal-Yards, or other incloſed Repoſitories thereto belonging, without the Conſent of the Owner or Proprietor thereof.

Truſtees may purchaſe.

XXXVII. And be it further enacted, That if any Perſon or Perſons whatever entitled to or intereſted in any Lands, Meſſuages, Buildings, or Hereditaments, which the ſaid Truſtees ſhall think neceſſary to be purchaſed for the widening, turning, or altering any Part of the ſaid Road, ſhall, upon Application to them or any of them for that Purpoſe made, refuſe or neglect to treat with ſuch Truſtees for the Sale of ſuch Lands, Meſſuages, Buildings, or Hereditaments, or for any Loſs or Damages to be by them ſuſtained in conſequence of the Execution of this Act; or if by Reaſon of their or any of their Abſence or diſtant Reſidence from the Lands intended to be purchaſed, he or they cannot be conveniently applied to or treated with for that Purpoſe; or if on treating, he or they ſhall not agree with the ſaid Truſtees for the Price of ſuch Lands; then, and in either of ſuch Caſes, the ſaid Truſtees may and are hereby empowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to require the Sheriff of the County in which ſuch Lands lie, or his Deputy, to impanel, ſummon, and return a Jury of Twelve honeſt and diſintereſted Men of the ſaid County, to be and appear before the ſaid Truſtees at a certain Time and Place within ſuch County, to be ſpecified in the ſaid Warrant or Warrants, Precept or Precepts reſpectively; then and there to aſſeſs and aſcertain the Prices and Value of the Lands intended or neceſſary to be purchaſed; and the ſaid Sheriff or his Deputy are hereby required to impanel, ſummon, and return the ſaid Jury accordingly, giving to each Juryman Three Days' Notice of the Time and Place of his Attendance; and the ſaid Truſtees are hereby empowered to ſummon Witneſſes; and ſuch Jury and Witneſſes are hereby required to attend accordingly; and the ſaid Truſtees, having cauſed Fourteen Days' Notice, in Writing under their Hands, to be given to the ſaid Perſon or Perſons entitled to the ſaid Lands and Hereditaments intended to be purchaſed, or to be left at their laſt or uſual Place or Places of Abode, or at any Place or Places of Abode of the reſpective Tenant or Tenants in Poſſeſſion of ſuch Lands, thereby ſetting forth the Natures, Situations, and Quantities of ſuch Lands, and Hereditaments, and the Time when and Place where the ſaid Jury are to meet to aſſeſs and aſcertain the Value thereof; they the ſaid Truſtees may proceed to inquire by Twelve of the ſaid Jurors on their Oaths of the Value of ſuch Lands and Hereditaments; and in Default of a ſufficient Number of Jurors, the Sheriff or his Deputy ſhall return other indifferent Perſons of the Standers-by, or that may be conveniently had for that Service, and to make up the Number of Twelve, and to which Jurors all Parties intereſted ſhall have their lawful Challenge when they come to be ſworn; and the ſaid Truſtees, having given the Nature of the Inquiry in charge to the ſaid Jury that ſhall be ſworn, may and are hereby empowered to examine all proper Perſons on their Oaths concerning the Nature and Value of the ſaid Lands and Hereditaments; and, if needful

ſul and requiſite, to cauſe the Jury ſworn to view the ſaid Lands and Hereditaments, and to take ſuch other Meaſures to inform themſelves and the Jury ſworn concerning the Nature and Values of the ſaid Lands or Hereditaments as they ſhall think proper; and the ſaid Jury, being ſo informed, ſhall by their Verdict aſſeſs and aſcertain the Values of the reſpective Lands that ſhall have been given them in charge to inquire of; and the ſaid Truſtees, preſent at the taking of ſuch Inqueſts, ſhall thereupon adjudge the Sum of Money aſſeſſed by the ſaid Jurors as the Value of the Lands or Hereditaments to be paid to the Perſon or Perſons entitled to the ſaid Lands or Hereditaments; and ſuch Findings of the Juries and Judgments of the ſaid Truſtees ſhall be finally binding and concluſive to all Infants, Femes Covert, and other Perſons whomſoever, anywiſe intereſted or to be intereſted in the ſaid Lands, or any Part thereof; and if any ſuch Sheriff or his Deputy ſhall refuſe or neglect duly to obey any Warrant or Precept of the ſaid Truſtees, or to do any Act or Matter of his Office relating to the Premiſes; or if any Juryman, ſo ſummoned as aforeſaid, ſhall not appear (except for ſome reaſonable Excuſe to be allowed by ſuch Truſtees), or, appearing, ſhall refuſe to be ſworn, or, if ſworn, ſhall not find his Verdict concerning the Matters that ſhall have been given in Charge, or if any Witneſs, being ſent for or ſummoned to appear and give Evidence to the ſaid Truſtees and Juries, ſhall not appear (except for ſome reaſonable Excuſe), or, if appearing, ſhall refuſe to be ſworn, or, being One of the People called Quakers, affirm, and thereupon to give his Evidence concerning the Matters aforeſaid, every ſuch Sheriff, Deputy, Juryman, and Witneſs ſhall, for every ſuch Refuſal, Neglect, or Offence, forfeit and pay any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings.

Conveyances to be regiſtered in a Book.

XXXVIII. And be it further enacted, That all Conveyances of Lands and Hereditaments to be purchaſed by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgments of the Truſtees concerning the Value thereof which ſhall be aſcertained by the Juries, ſhall be entered in ſome Book or Books of the ſaid Truſtees; and that after the Execution of ſuch Conveyances and giving ſuch Judgments of the ſaid Truſtees, and after Payment or Tender of the Conſideration-Monies mentioned in ſuch Conveyances; or if the Monies aſſeſſed and adjudged to be the Value of any Lands, the Values whereof ſhall be aſſeſſed or aſcertained by any Jury or Juries to the Perſon or Perſons entitled to the ſame; or in caſe of Want of Opportunity to tender, or of Refuſal to accept the ſaid Monies when tendered; then, on leaving the ſame with the Clerk of the Peace for the County in which ſuch Lands or Hereditaments lie, or his Deputy, for the Uſe or Uſes of the Perſon or Perſons entitled thereto, it ſhall be lawful for the ſaid Truſtees to enter upon the ſaid Lands and Hereditaments, and the ſame to add or turn into a Highway; and the ſaid Lands or Hereditaments ſhall from thenceforth for ever afterwards be deemed, taken, and uſed as a Public Highway or Public Highways to all Intents and Purpoſes; and after any ſuch New Road ſhall be completed, the Lands and Hereditaments conſtituting the former Road, unleſs the ſame leads to ſome Town, Village, or Place to which ſuch New Road doth not lead, ſhall be and are hereby veſted in, and may be exchanged or ſold and conveyed by, the ſaid Truſtees for the beſt Price that can be got for the ſame; and

the

the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

Award of Jury.

XXXIX. And be it further enacted, That in case any Jury shall give and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and retaining the said Jury, then in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees respectively out of the Monies arising by virtue of this Act; and if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and retaining the said Jury, as a Recompence or Satisfaction for any such Rights, Interest, or Property, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and paid for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum so assessed and adjudged, or otherwise such Costs and Expences, in case the same shall not be paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees by such Ways and Means as are hereinafter provided for recovering of Penalties and Forfeitures.

Application of Compensation where exceeding 200*l.*

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorise to be paid,

affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* conſolidated, or Three Pounds *per Centum* reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid conſolidated or reduced Bank Annuities, ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

XLI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, or belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe, the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Party), in order that ſuch principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XLII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be leſs than Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have

have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Derby Canal Act recited.

XLIII. And whereas in and by an Act passed in the Thirty-Third Year of the Reign of His present Majesty, intitled, *An Act for making and maintaining a navigable Canal from the River* Trent, *at or near* Swarkestone Bridge, *to and through the Borough of* Derby *to* Little Eaton, *with a Cut out of the said Canal in or near the said Borough, to join the* Erewash *Canal near* Sandiacre, *and for making Railways from such Canal to several Collieries in the Parishes of* Denby, Horsley, *and* Smalley, *all in the County of* Derby: the Proprietors of the said Canal and Railway, are united into one Body Politic and Corporate, by the Name of "The *Derby* Canal Company," and are now become entitled to receive for the Tonnage and Wharfage of all Iron, Iron-Stone, Iron-Ore, Lead-Ore, Lime-Stone, Lime, Timber, Coals, Coak, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon, through, or over the said Canal, Cut, and Railway, or any Part thereof, such Rates, Tolls, and Duties as in and by the said Act are mentioned and expressed: Be it therefore enacted, That the Person or Persons who for the Time being shall be appointed to collect the several Rates, Tolls, and Duties, at any Toll-Gate to be erected between *Smithy Houses* and *Little Chester*, shall from Time to Time, weigh at the said Weighing-Machine or Engine, so to be erected as aforesaid, all and every the Waggons, Carts, and Carriages, which shall pass through the said Toll-Gate, and which shall be laden with Pig-Iron, Bar Iron, Cast Iron, Goods, Pig Lead, manufactured-Lead and Timber only as shall be made, manufactured, or cut down within Two Thousand Yards from any Part of the Canal and Railway between *Derby* and *Smithy Houses*, and *Smalley* Mill; and all Coal, Coak, Lime-Stone, Lime, Iron-Stone, Iron-Ore, Lead-Ore, and all other Minerals; Bricks, Grit Stone, and Free Stone, (except Stone and Materials for the Repairs of the said Road or Highways within any of the said Parishes through which the said Road leads,) and do and shall enter in a Book to be kept for that Purpose an Account of all and every the additional Rates, Tolls, and Duties, which shall be received by him or them for or on Account thereof, stating the Time when, and the Persons from whom, or on whose Account, such additional Rates, Tolls, or Duties, shall, from Time to Time, have been paid; to which Book of Account the Treasurer and Clerk of the said *Derby* Canal Company for the Time being, or either of them, shall at all Times have Access, and be at liberty to copy the same, or make Extracts therefrom, at his and their Will and Pleasure; and also do, and shall, on the First Monday in every Month, well, and truly pay into the Hands of the Treasurer of the said *Derby* Canal Company for the Time being, for the Use and Benefit of the said Company, all and every the Sum and Sums of Money which shall then have been received by him or them for or on Account of the additional Rates,

Account of Tolls to be kept.

Tolls, and Duties, herein-before directed to be paid in respect of such last-mentioned Articles and Things, without making any Deduction thereout under any Pretence whatsoever.

Mansfield Road Act recited.

XLIV. And whereas, in Pursuance of an Act of Parliament passed in the Fourth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road from* Derby *to* Mansfield, *in the County of* Nottingham, *and several other Roads therein mentioned*, a Turnpike Road has been made from the West End of a Street in the Town of *Derby*, called *The Bridge-Gate*, through the Liberty of *Little Chester* and other Places to *Mansfield* aforesaid, and a Toll-Gate has been fixed upon the said Road at *Little Chester*, with a Side-Gate on the said Road there, on the Road leading from thence to *Little Eaton*: And whereas an Act of Parliament passed in the Twenty-fifth Year of the Reign of His said present Majesty for enlarging the Term and Powers of the said Act passed in the Fourth Year of the Reign of his present Majesty: And whereas such Part of the said Turnpike Road as hath been made in pursuance of the said two last mentioned Acts, or one of them, and which lies between the West End of the said Street, called the *Bridge Gate*, in *Derby* aforesaid, and the present Toll-Gate at *Little Chester* is yet in an improper State, and liable to be overflowed by the Floods of the River *Derwent*, and is intended to form, and from henceforth be a Part of the Turnpike Road by this Act directed to be made, and to be improved, repaired, and kept in Repair accordingly, by and under the Directions and Regulations herein contained, which will manifestly tend to the Improvement of that Part of the Road between *Derby* and *Mansfield*; and in Consideration thereof, and of the Annual Sum of Ten Pounds being secured to be paid by, and out of the Tolls arising from the said Turnpike Road by this Act directed to be made to the Treasurer of the Trustees of the said *Derby* and *Mansfield* Turnpike Road, to be applied by them in such and the like Manner as the Tolls received on the said *Derby* and *Mansfield* Turnpike Road, it hath been agreed at a Meeting of the Trustees of the said *Derby* and *Mansfield* Turnpike Road, that the said Side Gate at *Little Chester*, shall, from and after the passing of this Act, be relinquished and given up, and the Tolls usually taken thereat be no longer payable: Be it therefore enacted, That such Part of the said *Derby* and *Mansfield* Turnpike Road as lies between the West End of the said Street called the *Bridge Gate*, in *Derby* aforesaid, and the said Toll-Gate at *Little Chester*, shall, from and after the passing of this Act, be, and be deemed Part of the Turnpike Road by this Act directed to be made, and shall from thenceforth be maintained, repaired, and kept in Repair by virtue thereof; and that the Right of the Trustees of the said *Derby* and *Mansfield* Road, to collect and receive Tolls at the said Side-Gate at *Little Chester*, adjoining to the said Road, leading from thence to *Little Eaton*, shall from henceforth cease and determine, and the said Side-Gate shall be forthwith taken away.

Road between *Derby* and *Little Chester* deemed Part of the Road intended to be made by this Act.

XLV. Provided always, That nothing herein contained shall extend or be construed to extend to authorize the Trustees of the Turnpike Road

Road by this Act directed to be made, or any other Perſon or Perſons whomſoever, to remove, obſtruct, impede, or hinder the Uſe or Enjoyment by the ſaid Truſtees of the ſaid *Derby* and *Mansfield* Turnpike Road, or any Perſon or Perſons by them duly authorized for that Purpoſe, of the Weighing-Machine, or Engine now ſtanding and being contiguous to the ſaid Toll-Gate at *Little Cheſter* aforeſaid, nor to alter, or change the Property of ſuch Weighing-Machine or Engine, or the Situation thereof, without the Conſent and Approbation of the Truſtees of the ſaid *Derby* and *Mansfield* Turnpike Road, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Compenſation to the Truſtees of the *Mansfield* Road,

XLVI. And be it enacted, That from and after the paſſing of this Act there ſhall be Yearly and every Year paid by and out of the Tolls to be collected and received by and under the Authority of this Act, unto the Treaſurer of the Truſtees of the ſaid *Derby* and *Mansfield* Turnpike Road, or ſuch other Perſon or Perſons whom they ſhall authorize to receive the ſame, the Sum of Ten Pounds, as a Compenſation for the Diminution of Tolls which will or may be occaſioned on the ſaid *Derby* and *Mansfield* Turnpike Road, by the Removal of the ſaid Side-Gate, ſuch Annual Sum of Ten Pounds to commence and be paid at the End of One Year, to be computed from the paſſing of this Act, and to be paid on the ſame Day in every ſucceeding Year; and in Default of ſuch Payment for the Space of Twenty Days after the ſame ſhall from Time to Time become due, ſhall and may be recovered from the Truſtees appointed in and by this Act, or from their Treaſurer by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any One or more of the ſaid Truſtees who ſhall have acted in the Execution of this Act, or their Treaſurer, in the Name of the Treaſurer or Treaſurers of the Truſtees of the ſaid *Derby* and *Mansfield* Turnpike Road, for the Time being; and ſuch Sum or Sums of Money, when paid or recovered as aforeſaid, ſhall be applied by the Truſtees of the ſaid Turnpike Road from *Derby* to *Mansfield*, in ſuch Manner as the Tolls collected in purſuance of the ſaid recited Act are thereby directed to be applied.

not to exonerate the *Derby* Canal Company.

XLVII. Provided alſo, That nothing herein contained ſhall extend or conſtrued to extend to exonerate or diſcharge the *Derby* Canal Company from the Payment of any Sum or Sums of Money which the ſaid *Derby* Canal Company now are or hereafter ſhall or may become liable to pay to the Treaſurer or Treaſurers of the Truſtees of the ſaid Turnpike Road from *Derby* to *Mansfield*, by virtue of or in purſuance of the ſaid Act of Parliament, made and paſſed in the Thirty-third Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for making and maintaining a Navigable Canal from the River* Trent, *at or near* Swarkſton *Bridge, to and through the Borough of* Derby *to* Little Eaton, *with a Cut out of the ſaid Canal, in or near the ſaid Borough, to join the* Erewaſh *Canal, near* Sandiacre, *aud for making Railways from ſuch Canal, to ſeveral Collieries in the Pariſhes or Liberties of* Denby, Horſley, *and* Smalley, *all in the County of* Derby.

Not to erect a Toll-Gate between *Derby*

XLVIII. And be it further enacted, That it ſhall not be lawful for the Truſtees appointed in and by virtue of this Act, to erect or cauſe to be erected any Toll-Gate or Chain upon any Part of the ſaid Road between

and *Little Chester.*

between the Westwardly End of the said Street called the *Bridge Gate* in *Derby* aforesaid, and the said Toll Gate at *Little Chester*, nor to ask demand, or receive any Toll from any Person or Persons whomsoever, in respect of any Carriage, Horse, Beast, Sheep, or Cattle travelling or passing on such Part of the said Road.

Chesterfield Road Acts recited.

XLIX. And whereas, in pursuance of an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the White Stoop, near the North End of the Town of* Derby, *through the Towns of* Duffield *and* Chesterfield, *in the County of* Derby, *to the Town of* Sheffield, *in the County of* York, *and from the said Town of* Duffield *to the* Moot Hall, *in the Town of* Wirksworth, *in the said County of* Derby," the Road from the said Town of *Duffield* to *Chesterfield*, and from thence to *Sheffield*, was declared to be a separate and distinct District from the other Two Districts mentioned in the said Act; and such District is usually called or known by the Name of *The Chesterfield Turnpike Road:* And whereas the said Act, since the first obtaining thereof, as aforesaid, has been twice enlarged, *viz.* by Two Acts of the Sixteenth and Thirty-fifth Years of the Reign of His present Majesty: Be it enacted, That from and after the said intended Road shall be made, there shall be yearly, and every Year, paid by and out of the Tolls to be collected and received, by and under the Authority of this Act, to the Treasurer of the Trustees of the said *Chesterfield* Turnpike Road, or such other Person or Persons whom they shall authorise to receive the same, the clear Sum of One Hundred Pounds as a Compensation for such Diminution of Tolls; such Annual Sum of One Hundred Pounds to commence and be paid at the End of One Year, to be computed from the Time Tolls shall begin to be received upon any Part of the said intended Road (written Notice whereof shall be delivered by the Clerk or Treasurer of the said intended Road, to the Treasurer of the *Chesterfield* Turnpike Road, within Seven Days after such Toll shall begin to be taken), and to be paid on the same Day in every succeeding Year; and in Default of such Payment for the Space of Thirty Days after the same shall from Time to Time become due, the same, or any Part thereof, shall and may be recovered from the Trustees appointed in and by this Act, or from their Treasurer by Action of Debt, or on the Case in any of His Majesty's Courts of Record at *Westminster*, against any One or more of the said Trustees who shall have acted in the Execution of this Act, or their Treasurer in the Name of the Treasurer or Treasurers of the Trustees of the said *Chesterfield* Turnpike Road, for the Time being.

Annual Sum to be paid to Trustees of *Chesterfield* Road for Diminution of Tolls.

Ancient Roads in the Liberty of *Denby* stopt.

L. And whereas there is a certain Ancient Public Road or Way in the Liberty of *Denby*, leading from a Lane called *Street Lane*, along the North-Westwardly End of a Wood called *Salter Wood*, and extending thence in a North-eastwardly Direction, to the Line of the intended Road in the Liberty of *Ripley*, which after the said New Road shall be made, by virtue of this Act, will be rendered of no Use as a Public Road, nor as a Private Road, so far as the said Ancient Road lies in the Liberty of *Denby*: Be it therefore further enacted, That the said Ancient Road, so far as it extends in the Liberty of *Denby*, shall totally cease being any longer a Road, or used as such: And whereas

Bridle Road stopped up.

whereas there is acertain Ancient Bridle Road leading from *Warmwells* in the Liberty of *Ripley*, in a Southwardly Direction through the Liberty of *Denby* to *Denby* Common, which, after the ſaid New Road ſhall be made by Virtue of this Act, will be rendered of no Uſe as a Public Road, ſo far as the ſaid Bridle Road extends through the Liberty of *Denby*: Be it therefore enacted, That the ſaid Ancient Bridle Road, ſo far as it extends in the ſaid Liberty of *Denby*, ſhall totally ceaſe being any longer a Road or uſed as ſuch.

Juſtices of Peace may ſtop up Footways, &c.

LI. And whereas, by reaſon of the Road by this Act intended to be made, divers Highways, Bridle Roads, and Footpaths, within the ſeveral Pariſhes, Townſhips, or Places, through which the ſaid Turnpike Road is intended to be made, or within ſome of them, will be rendered unneceſſary: Be it therefore further enacted, That it ſhall and may be lawful to and for Two of His Majeſty's Juſtices of the Peace, acting in and for the ſaid County of *Derby*, from Time to Time, and at any Time or Times after the ſaid Turnpike Road ſhall be made, at ſome ſpecial Seſſions by Order or Writing under their Hands and Seals, to divert, turn, and ſtop up ſuch Footway reſpectively, and to divert, turn, and ſtop up ſuch Old Highways or Bridleways reſpectively, by ſuch Ways and Means, and ſubject to ſuch Exceptions and Conditions, in all Reſpects, as to them ſhall ſeem meet and requiſite, and as they ſhall order and direct.

Perſons chargeable to Statute Work to continue ſo.

Juſtice to determine Differences touching Statute Work.

LII. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Derby*, in their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees Yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in Lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in Lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in Manner, and under ſuch Regulations and Reſtrictions as is or may be directed by any Law

or

or Statute in Force and Effect for the Repairs of the public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days' Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt) and in ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in Lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Parts of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

LIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Road ſhall lie and be ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole

Whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees in advance, on or before the Tenth Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may direct Proſecutions at the Expence of the Tolls.

LIV. And be it further enacted, That the ſaid Truſtees, at a Meeting to be held, whereof Notice in Writing ſpecifying the Time and Place, and the Purpoſe for which ſuch Meeting is intended to be held, ſhall be affixed upon the Toll-Gates or Turnpikes then erected by virtue of this Act, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road, at leaſt Fourteen Days previous to the Time when ſuch Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they ſhall think fit and neceſſary, to direct Indictments to be preferred and proſecuted at the Expence of the Revenues ariſing by virtue of this Act againſt the Inhabitants of all or any of the Pariſhes or Places through which the ſaid Road does or ſhall paſs, and againſt the Hundred liable to repair Bridges, who ſhall have neglected or refuſed reſpectively to repair the ſame.

Surveyors may remove Annoyances, turn Watercourſes, &c.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Turnpike Surveyor or Surveyors, and ſuch Perſons as he or they ſhall direct or appoint (ſuch Surveyor or Surveyors having an Order from the ſaid Truſtees for that Purpoſe), to remove and prevent all Annoyances on any Part of the ſaid Road by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into, along, and out of the ſaid Road to the Prejudice thereof, and to open, ſcour, and cleanſe any Watercourſes and Ditches adjoining to the ſaid Road, and make the ſame as deep and as large as he or they ſhall think proper and neceſſary, and to cut down, lop, or top any Trees or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjoining thereto, and within Ten Yards of the Centre thereof and to take and carry away the ſame, in caſe the Owner or Owners of the Premiſes ſhall neglect to remove the ſame, or cut down, lop, or top and carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or to remove ſuch other Annoyances 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, and the Charges thereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owner or Owners, and the ſame ſhall be recovered in ſuch Manner as the Penalties and Forfeitures are hereinafter directed to be recovered; 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 and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Surveyors may make

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, by order of the ſaid Truſtees, to make, or cauſe

Causeways, cut Drains, &c.

to be made, Footways or Causeways in and upon, or by the Side of the said Road, and to erect, support, and repair Arches and Watercourses upon, or under the said Road, contiguous and advantageous thereto, and also to cut and make any other Drains through any Lands lying contiguous to the said Road; and also to make, or cause to be made, a Road through the Grounds adjoining any narrow or ruinous Part or Parts of the said Road (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Park, or 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 by all Passengers, Cattle, Carriages, and otherwise as a Public Highway, whilst the old narrow, or ruinous Road is widening or repairing, and till it shall be convenient and safe for Passengers and Carriages to pass thereon, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively, wherein, or whereon, any such Works shall be done, for the Damages which such Owners and Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them assembled, at the next General Quarter Sessions for the County in which such Grounds respectively shall be, or at their Second Quarter Sessions at the farthest, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid; which Determination shall be final.

Making Satisfaction for the same.

Surveyors may take Gravel, &c. in Waste Grounds without paying for the same, levelling the Pits, &c.;

LVII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making or repairing the said Road, in and out of any River or Brook, or out of any Waste or Common Grounds, in any Parish or Place, in, or near which, any Part of the said Road shall lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where, or from whence any such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by Landing, and for going over or through any Lands, Grounds, or Private Lanes or Roads, for, or with such Materials, to be ascertained as herein-after mentioned: And also that it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing from the said Trustees for that Purpose), to search for, dig, gather, and take away such Materials, in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Park, Yard, Paddock, or Planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees), paying such Rates for the Damages done to the Owners and Occupiers of such Grounds, where, and from whence the same shall be digged, gathered, and carried away, or over which the same, or any other Materials for the Repair of the said Road shall be carried, as the

also out of private Grounds by Order of the Trustees on paying for the same.

said

said Truſtees ſhall adjudge reaſonable; and, in caſe of any Difference concerning the ſame, the Juſtices of the Peace, or the major Part of them aſſembled at the next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden for the ſaid County of *Derby*, ſhall and may adjudge and determine the ſame; from which Determination there ſhall be no Appeal.

Differences to be ſettled at the Quarter Seſſions

LVIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any ſuch Surveyors, or other Perſon or Perſons under the Authority of this Act, to get, take, and carry away any Materials for making or repairing the ſaid Road from any Incloſed Lands or Grounds until Notice in Writing ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two Juſtices of the Peace acting for the County where ſuch Lands are ſituated, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend, purſuant to ſuch Notice, the ſaid Truſtees, or ſuch Juſtices ſhall, if they think meet, authorize ſuch Surveyor, or other Perſon, to dig, get, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtice ſhall ſeem proper; and if ſuch Owner or Occupier ſhall (except for ſome reaſonable Excuſe) neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes as if ſuch Owner or Occupier, or his Agent had attended.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupiers.

LIX. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been digged, gotten, or gathered for the Repair or Uſe of the ſaid Road, or ſhall raiſe or carry away any Materials out of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for the ſaid Road before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty Days, (except the Owner or Occupier of any Private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own Uſe and Benefit, not thereby injuring, obſtructing, or increaſing the Expence of working ſuch Quarry or Pit, for the Uſe of the ſaid Road,) every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Penalty on taking away Materials raiſed by Surveyors.

LX. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of one Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place as the ſaid Truſtees ſhall think proper, and ſhall alſo cauſe proper Direction-poſts to be ſet up; and if any Perſon ſhall wilfully pull up or damage any of ſuch Poſts or Stones, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, and be thereof convicted before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Derby*, either by the Confeſſion of the Party, or by the Oath of one or more credible Witneſs or Witneſſes

Roads to be meaſured and Mile Stones erected.

Witneſſes, ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for each Stone or Poſt ſo wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; and if any Perſon ſhall ride upon any Footway adjoining to any Part of the ſaid Road, or ſhall drive any Horſe or other Beaſt or Cattle, or any Swine, or any Cart or Carriage thereon, or ſhall cauſe any Damage to be done to any ſuch Footway, or if the Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones erected for the Security of the ſaid Footways, or drive the Wheel of his Carriage againſt the ſame, or on the Side or Sides of the ſaid Footways; or if any Perſon or Perſons ſhall lay any Hay, Straw, or other Matter or Thing upon any Part of the ſaid Road, to be made into Manure, or ſhall ſcrape off the ſame any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, without Conſent of the Surveyor; or if any Perſon or Perſons ſhall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or ſhall lay any Piece of Timber or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Road, or on the Side or Sides thereof, (except in caſe of Accidents) to the Prejudice or Annoyance thereof, or of any Perſon or Perſons travelling thereon, and be convicted thereof by the Confeſſion of the Party, or by the Oath of one or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Derby*, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required, upon Application made to him or them for that Purpoſe to adminiſter,) every Perſon ſo offending ſhall forfeit and pay a Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, for every ſuch Offence, one Moiety whereof ſhall be allowed and paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Truſtees may contract for repairing the Road.

LXI. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for making, repairing, widening, altering, turning, or amending the ſaid Road, or any Part or Parts thereof, or for doing any other Work, to be done in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts and Agreements in Writing entered into, purſuant to an Order made at any Meeting by the ſaid Truſtees, ſhall be binding on the ſaid Truſtees and their Succeſſors, and alſo to all other Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators reſpectively; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Penalty on obſtructing the Execution of this Act.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or other Perſon or Perſons, by them or any of them, or by the ſaid Truſtees employed in the Execution of this Act, every ſuch

Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Power to detain Perſons guilty of Offences.

LXIII. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under this Act: Be it therefore enacted, That it ſhall be lawful for the Surveyors or other Officers duly authoriſed by the Truſtees, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them, before One or more Juſtice or Juſtices of the Peace for the County where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing; and ſuch Juſtice or Juſtices of the Peace reſpectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of ſuch Offender or Offenders, or to oblige ſuch Perſon or Perſons ſo offending, to give Security for his, her, or their Appearance, at the next Petty or ſpecial Seſſions, to be holden for the Diviſion or Place where ſuch Offence or Offences ſhall be committed; and on ſuch Conviction, or for Want of ſufficient Security, to commit the Perſon or Perſons ſo offending to the Houſe of Correction for the County or Place where the Offence ſhall be committed, until he, ſhe, or they ſhall pay the reſpective Penalty by him, her, or them incurred, for ſuch reſpective Offence or Offences, or ſhall give ſuch Security as aforeſaid.

Any Juſtice may enquire into Penalties incurred and Offences committed and determine thereon.

LXIV. And be it further enacted, That when any Penalty by this Act impoſed ſhall be incurred, or any Offence by this Act created ſhall have been committed, the Method of proceeding in reſpect to which is not herein-before particularly directed, any One of His Majeſty's Juſtices of the Peace for the County in which the Offence ſhall be committed, may, and he is hereby required, upon Complaint and Information to him thereof made, to ſummon before him the Perſon or Perſons againſt whom ſuch Complaint or Information ſhall be made, to anſwer the Matter thereof, and at the Time and Place appointed by ſuch Summons, the Perſon or Perſons complained or informed againſt appearing before the ſaid Juſtice, or in caſe of his or their not appearing (except for ſome reaſonable Excuſe) Proof being made upon Oath before the ſaid Juſtice of the perſonal Service of ſuch Summons, or that a Duplicate or true Copy of the ſame was left at the Dwelling-houſe or laſt known Place of Abode of ſuch Perſon or Perſons, the ſaid Juſtice may and is hereby required, whether the ſaid Perſon or Perſons complained or informed againſt do or do not appear, to proceed to examine the Merits of ſuch Complaint and Information, and if ſuch Offence or Offences ſhall be confeſſed by the Perſon or Perſons ſo complained of and informed againſt, or be duly proved to the Satisfaction of ſuch Juſtice by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, ſuch Juſtice may and he is hereby required forthwith to convict ſuch Offender or Offenders, and to adjudge him and them to pay ſuch Penalty or Penalties as he or they ſhall be therefore liable unto by virtue of this Act; and if ſuch Penalty or Penalties ſhall not be immediately paid, in caſe ſuch Offender or Offenders appear perſonally to anſwer ſuch Complaint or Information, or in caſe of his or their Non-appearance to anſwer to ſuch Complaint or Information within Ten Days after Notice of ſuch Conviction given

to such Offender or Offenders, or left at his, her, or their Dwelling-house or last known Place of Abode, and Proof thereof, and of the Non-payment of such Penalty or Penalties made to such Justice upon Oath, such Justice shall and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made pursuant to such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice, and in case such Penalty or Penalties and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith and immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless the said Penalties and such Costs and Charges as aforesaid shall be sooner paid, or such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition, which the said Trustees are hereby empowered to make and accept.

Application of Penalties.

LXV. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed (other than and except such or such Parts thereof as are by this Act otherwise directed to be paid), shall be paid to the said Trustees, their Treasurer, or Surveyor, or other Person or Persons by them appointed to receive the same, and shall be applied to the Purposes of this Act, and that it shall be lawful for the said Trustees from Time to Time, if they shall see cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing or assisting therein, any Thing herein contained to the contrary notwithstanding.

LXVI. And be it further enacted, That Convictions for Offences against this Act may be drawn up in the following Form, or to the like Effect, that is to say:

Form of Conviction.

'County of } BE it remembered, That on the (here insert the Day of the Month and Year of our Lord and of the King's Reign), *A. B.* is convicted before me, *C. D.*, One of His Majesty's Justices of the Peace for the County of , on his own Confession (or on the Oath of , a credible Witness, or and , credible Witnesses, as the Case may be), of (here specify the Offence, and the Time and Place when and where the same was committed), contrary to an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled (here insert the Title of this Act); and I the said Justice do adjudge the said *A. B.* to have thereby incurred the Penalty of , to be paid, recovered,

'covered, and applied in Manner directed by the ſaid Act. Given 'under my Hand and Seal, the Day and Year aforeſaid.'

Which Conviction ſhall be valid and effectual in Law, to all Intents and Purpoſes.

Appeals to Quarter Seſſions.

LXVII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall be lawful for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace, at the next General Quarter Seſſions of the Peace, to be held for the ſaid County of *Derby*, unleſs ſuch Cauſe for appeal ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace to be held for the ſaid County, in which Caſe ſuch Appeal ſhall be brought at the Second Quarter Seſſions then next after; and the Juſtices of the Peace at either of the ſaid Seſſions are hereby authorized and required to take Cognizance thereof, and to determine the Complaint of every ſuch Perſon in a Summary Way; and if they ſee Cauſe, may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties aforeſaid, or vacate and ſet aſide the ſaid Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them ſhall ſeem reaſonable, and to make ſuch Orders and Judgments in regard to the Premiſes as they ſhall think fit; but the Perſon or Perſons ſo appealing, ſhall give Notice in Writing to the Clerk or Clerks, to the ſaid Truſtees of ſuch his, her, or their Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Eight Days before the ſaid Quarter Seſſions, and ſhall alſo enter into a ſufficient Bail, before One or more Juſtice or Juſtices of the Peace, for proſecuting ſuch Appeal, and abiding ſuch Order as ſhall be made therein.

Proceedings not to be quaſhed for Want of Form nor removed by *Certiorari*.

LXVIII. And be it further enacted, That no Proceedings to be had, touching the Conviction of any Offender againſt this Act, ſhall be quaſhed or vacated for Want of Form, or be removable by *Certiorari*, or any other Writ or Writs, or Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Limitations of Actions

LXIX. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next, after the Offence committed, or cauſe of Action or Suit accrued, and not afterwards; and ſhall be laid and brought in the County where the Cauſe of Complaint ſhall have ariſen, and not elſewhere; and the Defendant and Defendants in ſuch Action or Suit ſhall, and may plead the General Iſſue, 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 that if it ſhall appear ſo to have been done, or that ſuch Action or Suit ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs

ſhall

shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall, and may recover Treble Costs, and have the like Remedy for the same, as any other Defendant or Defendants hath, or have by Law, in any other Case.

Subscribers to pay their Subscription Money.

LXX. And be it further enacted, That the several and respective Persons who have subscribed, or may subscribe Money for, and towards making and repairing, and improving the said Road, shall, and are hereby required, to pay the Sum or Sums so by them respectively subscribed in such Parts and Proportions, within such Time and Times, and to such Person or Persons as the said Trustees shall, by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees to sue for, and recover the same, either in their own Names, or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Law at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed.

Commencement and Term of the Act.

LXXI. And be it further enacted, That this Act, shall commence, and take Effect, on the Day on which the Trustees shall hold their first Meeting, and shall be put in Execution, and continue in Force, from thenceforth, for, and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament; and shall be adjudged, deemed, and taken to be a Public Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1802.