ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xiii.

An Act for making and maintaining a Turnpike Road from the Town of *Cromford* to the Town of *Belper*; and for making a Branch of Road from and out of the said Road near the River *Amber*, to join the Turnpike Road at *Bull Bridge*, all in the County of *Derby*. [29th *April* 1817.]

WHEREAS there is no direct Road leading from the Town of *Cromford* to the Town of *Belper*, both in the County of *Derby*; and the present Road leading from the said Town of *Cromford* to *Bull Bridge*, in the said County, is hilly and dangerous: And whereas the making and maintaining of a Turnpike Road from the said Town of *Cromford* to the said Town of *Belper*, and also a Branch from the said Road near the River *Amber*, to join the Turnpike Road at *Bull Bridge*, in the said County, would be of great Advantage and Convenience to the Land-owners and Inhabitants of the Neighbourhood and the adjacent Country, and likewise of great public Utility; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 *Richard Arkwright*, *Richard Arkwright* the younger, *Robert Arkwright*, *Peter Arkwright*, *John Arkwright*, *Charles Arkwright*, *Joseph Arkwright* Clerk, *John Alsop*, *John Alsop* the younger, *Anthony Alsop*, *John* Trustees.

John Balguy, *John Balguy* the younger, *Bryan Thomas Balguy*, *Charles Balguy*, *George Barker* of *Darley*, *John Barker*, *Robert Birch*, *Robert Blackwall*, *John Broadhurſt*, *William Bradſhaw*, *William Brittlebank*, the Right Honourable *George Auguſtus Henry Cavendiſh* commonly called *Lord George Auguſtus Henry Cavendiſh*, *Henry Compton Cavendiſh*, *Charles Compton Cavendiſh*, Sir *William Coke*, *D'Ewes Coke*, *Daniel Parker Coke*, Sir *Charles Colville*, *John Crompton*, *John Bell Crompton*, *Gilbert Crompton*, *John Cox*, *Thomas Cox*, *Roger Cox*, *Nathaniel Curzon*, *Thomas Denman*, *Walter Evans*, *William Evans*, *Samuel Evans*, the Honourable *Francis Eyre*, *Philip Gell* of *Hopton*, *Philip Gell* of *Wirkſworth*, *Philip Gell* Clerk, *John Charles Girardot*, *Anthony Goodwin* Doctor of Phyſic, *Francis Green Goodwin*, *David Gregory*, *Thomas Hallowes*, *Francis Hurt*, *Charles Hurt*, *Charles Hurt* the younger, *Richard Hurt*, *Edward Nicholas Hurt*, *John Hurt*, *Nathan Hubberſty* Clerk, *Robert Haigh*, *Thomas Hall*, *John Creſſy Hall*, *Winfield Halton*, *Imanuel Halton* Clerk, *Arthur Heathcote Shipley*, *George Holcombe* Doctor in Divinity, *Robert Holden*, *William Drury Holden*, *Richard Paul Jodrell*, *Richard Paul Jodrell* the younger, *Joſias Jeſſop*, *William Jeſſop*, *Joſhua Jebb*, *William Brooks Johnſon* Doctor of Phyſic, *Thomas Knowlton*, *Richard Beecher Leacroft*, *William Jeffery Lockett*, *William Lockett*, *Anthony Lax Maynard*, *James Mander*, *Francis Mundy*, *John Milnes*, *William Milnes*, *John Mold*, *Charles Mold*, *William Edward Nightingale*, *John Nuttall*, *George Nuttall*, *George Oldham*, *John Radford* of *Smalley*, *John Radford* of *Holbrook*, *Edward Radford*, *Samuel Richardſon Radford*, *Adam Barker Slater*, *William Strutt*, *George Benſon Strutt*, *Joſeph Strutt*, *George Henry Strutt*, *Jedediah Strutt*, *Anthony Radford Strutt*, *John Strutt*, *Joſeph Douglas Strutt*, *James Swettenham*, *Richard Smith* Clerk, *Thomas Saxton*, *Bache Thornhill*, *John Toplis*, *John Wilſon*, *Thomas Ward* Clerk, *Joſeph Waſs*, *Nathaniel Wheatcroft*, *German Wheatcroft*, *Samuel Williams*, *Adam Wolley*, *John Wright* the younger of *Lenton*, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, repairing, and otherwiſe improving the ſaid intended Roads, and for otherwiſe carrying this Act and all the Matters and Things herein contained into full and complete Execution and Effect.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Seven or more of them, at a Meeting to be held for that Purpoſe, of which Meeting and of the Purpoſe thereof Ten Days Notice ſhall be given in the Manner herein-after directed reſpecting Meetings for the Appointment of Truſtees on Vacancies, to elect and appoint any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for executing this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected and appointed ſhall be and they are hereby inveſted with the ſame Powers and Authorities for executing this Act as if they had been appointed in and by this Act.

Election of new Truſtees.

III. And be it further enacted, That upon the Death, Refuſal, or Diſability to act in the Execution of this Act, of any of the ſaid Truſtees or their Succeſſors, then and in every ſuch Caſe it ſhall and may be lawful to and for any Five or more of the ſurviving or remaining Truſtees, from Time to Time, at any Meeting of the ſaid Truſtees (of the Time and Place of which Meeting Notice ſhall have been inſerted Once in ſome Newſpaper or Newſpapers publiſhed or circulated in the ſaid County of

Derby, or affixed on all and every the Turnpike Gates then ſtanding on the ſaid Roads, at leaſt Ten Days previouſly to ſuch Meeting), to elect and appoint one other Perſon or Perſons to be a Truſtee or Truſtees in the room of ſuch Truſtee or Truſtees ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Perſon ſo to be elected and appointed (being qualified as herein-after mentioned) ſhall be and he is hereby empowered to act in the Execution of this Act in as full and ample Manner to all Intents and Purpoſes as the Truſtee in whoſe room or ſtead he ſhall be ſo elected could or might have done.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own or in the Right of his Wife, in the actual Poſſeſſion or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Value of One thouſand Pounds, or ſhall be Heir-apparent of ſome Perſon poſſeſſed of ſome Eſtate in Lands of the clear yearly Value of One hundred Pounds; nor ſhall any ſuch Perſon be capable of acting in the Execution of this Act, not being ſuch Heir-apparent as aforeſaid (ſave and except in adminiſtering the Oath or Affirmation following to the other Truſtees), until he ſhall have taken and ſubſcribed the Oath or Affirmation following before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; (that is to ſay),

Oath.

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion or Enjoyment of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds [*or* poſſeſſed of or entitled to a Perſonal Eſtate alone, *or* Real and Perſonal together, of the Amount or Value of One thouſand Pounds], *or* am Heir-apparent of *A. B.* who, to the beſt of my Knowledge and Belief, is poſſeſſed of ſuch an Eſtate of the clear yearly Value of One hundred Pounds], and that I will truly, faithfully, and impartially act in the Execution of the Truſts and Powers repoſed in me by virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of King *George* the Third, intituled An Act [*here ſet forth the Title of this Act*].

'So help me GOD.'

Penalty on acting not being qualified.

And if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution 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 ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act (although not duly qualified as aforeſaid) previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch

All Acts of Truſtees not qualified, if done before Conviction, valid.

ſuch Conviction, be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Perſons holding any Place of Profit not to act as Truſtees.

V. And be it further enacted, That no Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees for putting this Act into Execution, who ſhall have or accept of any Place or Office of Profit ariſing out of or by reaſon of any Tolls or Duty by this Act granted, or who ſhall be intereſted or concerned in any Contract or Contracts, or a Leſſee or Leſſees, Farmer or Farmers of the Tolls granted by this Act, ſhall be capable of acting as a Truſtee or Truſtees in the Execution of this Act during the Time of his or their Enjoyment of ſuch Place of Profit as aforeſaid.

Victuallers, &c. incapable of acting.

VI. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable and to be collected on the ſaid Road, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cider, or Beer, Ale, Spirituous or other Strong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they, employ a Perſon to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices, except where intereſted.

Mortgagee or Aſſignee may act as Truſtee.

VII. And be it further enacted, That ſuch of the Truſtees as are or ſhall be Juſtices of the Peace ſhall and may in their reſpective Juriſdictions, and they are hereby empowered, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where he or they ſhall be perſonally intereſted; and that no 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 for the ſame, ſhall on that Account be deemed diſqualified to act as a Truſtee.

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall meet and aſſemble at the *Greyhound Inn* if then open, and if not, then at ſome other Inn in *Cromford* aforeſaid, on the Third *Monday* next after the paſſing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall then and from Time to Time afterwards adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places that the ſaid Truſtees ſhall think proper or convenient, ſo often as it ſhall be neceſſary for carrying this Act into Execution; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Thirty Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe public Notice thereof to be inſerted Once in ſome Newſpaper or Newſpapers publiſhed in the ſaid County of *Derby*, or affixed on all the Turnpike Gates that ſhall be ſtanding on the ſaid Road,

Ten

Ten Days at leaſt before the Day to which ſuch Meeting ſhall be ſo adjourned; and that the ſaid Truſtees ſhall at their ſeveral Meetings pay and defray their own Expences.

No Act valid unleſs at a Meeting.

IX. And be it further enacted, That no Act of the ſaid Truſtees hereby nominated and appointed or to be elected by virtue of this Act ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be made or done at ſome Meeting to be holden in purſuance of this Act (except as herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act, (the Number of Truſtees preſent at ſuch Meeting not being leſs than Five, except where otherwiſe directed); and all the Orders and Proceedings of the major Part of ſuch Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as herein excepted); and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe the Chairman ſhall have and he is hereby empowered to give the deciſive or caſting Vote.

The Majority may act, the whole Number not being leſs than Five.

Chairman to be appointed, and to have the caſting Vote.

Annual Meeting of the Truſtees to be held for auditing the Accounts.

X. Provided always, and be it further enacted, That on the Firſt *Monday* in the Month of *May* in every Year a General Meeting of the ſaid Truſtees ſhall be holden at *Cromford* aforeſaid, or at ſome other Place within the Diſtance of Two Miles from the Line of the ſaid intended Road, as the ſaid Truſtees may appoint, for the Purpoſe of examining the Accounts of the Clerk, Treaſurer, Surveyor, and Collectors of Tolls, and other Perſons employed in the Receipt or Expenditure of any of the Monies belonging to the ſaid Road; and it ſhall and may be lawful to and for the ſaid Truſtees then and there aſſembled to allow and paſs ſuch Accounts, or ſo much thereof as they ſhall think proper, and to chooſe new Truſtees in the room of ſuch as ſhall be dead, or have refuſed or become incapable to act in Manner herein-before mentioned, and to do ſuch other Acts, Matters, and Things in the Buſineſs of the Truſt, which ſhall at any ſuch Meeting occur: Provided alſo, that nothing herein contained ſhall extend or be conſtrued to extend to prevent the ſaid Truſtees from calling for and examining the ſaid Accounts when and as often as they ſhall think proper ſo to do.

No Order to be revoked but at a Special Meeting, and by a Majority of the Truſtees preſent.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration purpoſed to be made, be inſerted Once in ſuch Newſpaper or Newſpapers as aforeſaid, or affixed upon all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, at leaſt Fourteen Days before ſuch ſubſequent Meetings, nor unleſs a Majority of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration.

Meetings on Emergencies.

XII. And be it further enacted, That if after the Adjournment of any Meeting of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any Adjournment, or if, for want of proper Adjournment or otherwiſe, it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing, ſigned by any Seven or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice in the Manner herein-before directed of the Time and Place of holding a Meeting according to ſuch Order of the ſaid Truſtees (the Time not being leſs than Ten Days after ſuch Notice), and ſuch Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at any ſuch Meeting ſhall be as valid and effectual, to all Intents and Purpoſes, as they would have been in caſe ſuch Meeting had been held in purſuance of Adjournment.

Proceedings to be entered in a Book.

XIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman then preſent, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, Actions, Proſecutions, and Proceedings, touching or concerning any thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all ſeaſonable Times be open and liable to the Inſpection of all and every the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and ſo in proportion for any greater Number of Words.

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

XIV. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls thereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Truſtees not to be con-

XV. And be it further enacted, That in caſe any Truſtee ſhall directly or indirectly be concerned in any Contract for any Work or other Thing

to

to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed. cerned in Contracts.

Trustees to appoint Officers.

XVI. And be it further enacted, That the said Trustees or any Five or more of them shall and may, at their First or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors, and such other Officers as they the said Trustees shall think proper; and also that it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion, and from Time to Time to appoint others in the room of such of them as shall be so removed, or as shall die, resign, or refuse or neglect to perform or become incapable of performing their Duty; and that the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries, or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and also to any other Person or Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and other Persons shall from Time to Time, as often as they shall be called upon for that Purpose, produce and give up to such Trustees full, true and perfect Accounts in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and all such Officers and other Persons shall and they are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes, as they the said Trustees shall direct and appoint; and if any such Officer or Officers, or other Person (being required so to do as aforesaid) shall refuse or neglect to produce and give up such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any One or more of His Majesty's Justices of the Peace for the said County of *Derby* shall, upon Complaint of the said Trustees or any One or more of them, or of such Person or Persons as they or any Five or more of them shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or Person to appear before him or them; and upon such Officer or Person appearing, or having been summoned and not appearing, or in case it shall appear that such Officer

Officers to account.

Proceedings against Officers refusing to account or deliver up Books, &c.

Officer or other Perſon hath not been found, ſuch Juſtice or Juſtices ſhall make Inquiry concerning ſuch Default and the Matter of Complaint, and ſhall hear and determine the ſame in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed or collected under this Act ſhall remain due from ſuch Officer or other Perſon, ſuch Juſtice or Juſtices may and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or other Perſon; and if no Goods or Chattels of ſuch Officer or other Perſon can be found ſufficient to ſatisfy the ſaid Money and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if any ſuch Officer or other Perſon ſhall be convicted of any other of the Offences aforeſaid, ſuch Juſtice or Juſtices is and are hereby empowered to commit ſuch Officer or other Perſon to the Common Gaol for the County or Place where ſuch Officer or other Perſon ſhall live or reſide, there to remain without Bail or Mainprize until ſuch Officer or other Perſon ſhall have produced, given up, and made a true and perfect Account as aforeſaid, and ſhall have made ſuch Payments as ſhall appear to be due from him as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees for the ſame (which Compoſition the ſaid Truſtees or any Five or more of them are hereby empowered at any Meeting to make and accept), and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees, or their Treaſurer or Treaſurers, or to ſuch other Perſon as the ſaid Truſtees ſhall appoint, or until ſuch Officer or other Perſon ſhall have delivered up all ſuch Books, Papers and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no ſuch Officer or other Perſon ſo committed as aforeſaid ſhall be confined or detained in Priſon for want of ſufficient Diſtreſs by virtue of this Act, for any longer Time than Six Calendar Months.

Treaſurer and other Officers to give Security for the faithful Execution of their Duty.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to take ſuch ſufficient Security from their Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls, or other Officers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of their reſpective Offices, as they the ſaid Truſtees or any Five or more of them ſhall think proper; and that no ſuch Treaſurer, Receiver, Collector, or other Officer, ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Clerk not to act as Treaſurer, and vice verſâ.

XVIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer,

Treaſurer, or being the Partner of any ſuch Treaſurer, ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Truſtees may remove Collectors, and appoint temporary ones.

XIX. And be it further enacted, That when and ſo often as any Collector or Receiver of the Tolls ſhall die, neglect or refuſe to perform or become incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting of the ſaid Truſtees to be appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver ſo neglecting or refuſing to perform or becoming incapable of performing his Duty, or abſconding or abſenting himſelf, and to nominate and appoint ſome other Perſon or Perſons to be Collector or Receiver of the ſaid Tolls, until the then next Meeting of the ſaid Truſtees, in the ſtead of ſuch Collector or Receiver who ſhall ſo die or be diſcharged; and ſuch Perſon or Perſons ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the like Manner in all reſpects, as the Collector or Receiver who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office 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 or be diſcharged, or any other Perſon or Perſons who may have the Poſſeſſion of any Toll Houſe, or Building or Appurtenances to be erected, ſet up or uſed by virtue of this Act, ſhall neglect or refuſe to deliver up the Poſſeſſion thereof for the Space of Four Days next after Demand thereof made by Notice in Writing, ſigned by any Five or more of the ſaid Truſtees (although not aſſembled at a Meeting), or by their Clerk or Clerks, Treaſurer or Treaſurers, for that Purpoſe given to ſuch Collector or Receiver, or other Perſon or Perſons, or left at any ſuch Toll Houſe, Building, or Premiſes, then and in any of the ſaid Caſes it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Derby*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſaid County, with ſuch Aſſiſtance as may be neceſſary, to enter ſuch Toll Houſe or other Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees or any Two or more of them, or ſuch new-appointed Collector or Receiver as aforeſaid, into the Poſſeſſion thereof.

Collectors refuſing to deliver up Toll Houſes, &c.

Juſtices empowered to grant Warrant, and Conſtable to enter and remove ſuch Collectors.

Actions to be brought in the Name of the Treaſurer or Clerk, or of Truſtees,

XX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name or Names of any One of the ſaid Truſtees, on behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or

who are not to be personally liable to Costs.

or commenced, nor by the Act of such Person or Persons done, without the Consent of the said Trustees or any Five or more of them at a Meeting to be holden in pursuance of this Act; but no Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof; but all such Debts, Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act collected or received by the said Trustees.

Trustees may erect Toll Houses, &c.

XXI. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them from Time to Time to erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same; and also such Toll House or Toll Houses, Weighing Engine or Weighing Engines, to each Gate or Turnpike or otherwise, as they shall think necessary, with suitable Outbuildings thereto; and also may inclose, from the said Road and Waste Grounds thereunto adjoining, convenient Garden Spots to the said Toll Houses, not exceeding in the whole One Quarter Part of an Acre for each Toll House, as they may judge proper; and that the following Sums of Money shall and may be demanded and taken as Tolls, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpike or Toll Gate, Turnpikes or Toll Gates respectively; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Gig, Curricle, Hearse, Calash, Chaise Marine, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Nine Inches or upwards with Flat Surfaces, and not deviating more than One Quarter of an Inch therefrom, and with the Nails countersunk so as not to rise above the Tire, the Sum of Two-pence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, with Flat Surfaces, and having the Nails countersunk as aforesaid, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having Narrow Wheels (the Sole or Bottom of the Fellies being of less Breadth than Six Inches), and with Nails countersunk as aforesaid, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having Narrow Wheels (the Sole or Bottom of the Fellies being of less Breadth than Six Inches), but with Nails not countersunk, or which shall rise above the Surface of the Tire, the Sum of Six-pence:

All such Waggons, Carts, and other such Carriages, the Sole or Bottom of the Fellies of the Wheels of which deviate from a Flat Surface as before described, shall be deemed as having Narrow Wheels, and for every Horse or other Beast drawing the same, Toll shall be paid accordingly:

For

For every Horſe, Mule or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Pair of Millſtones, if drawn in Pairs, and for every ſingle Millſtone, or Block of Stone, or Piece of Timber, drawn by Five Horſes, or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horſes, or other Beaſts of Draught, the further Sum of One Shilling for each ſuch Horſe or Beaſt exceeding that Number, in addition to the ſaid Two Shillings and Sixpence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in proportion for any greater or leſs Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in proportion for any greater or leſs Number.

Recovery of Tolls.

Which ſaid reſpective Tolls ſhall be and they are hereby veſted in the ſaid Truſtees; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Collector or Collectors to be appointed as aforeſaid, or his or their Servant or Agent, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the ſaid reſpective Collectors of the Tolls, or other Perſon or Perſons whom they or any of them ſhall take to their Aſſiſtance therein, to ſeize and diſtrain any Horſe, Beaſt, or other Cattle, upon which any ſuch Tolls are by this Act impoſed, or the Loading, Harneſs, or Accoutrements of any ſuch Horſe, Beaſt, or other Cattle belonging to any Perſon or Perſons ſo neglecting or refuſing and liable to pay the Tolls as aforeſaid (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe, Beaſt, or other Cattle, and other Property, or any Part thereof, ſo ſeized and diſtrained, rendering the Overplus (if any) on Demand to the Owner thereof after ſuch Tolls and all reaſonable Charges ſhall have been deducted.

Truſtees to provide Tickets denoting Payment of Tolls, &c.

XXII. And be it further enacted, That upon Payment of the ſaid Tolls the Collector or Receiver thereof ſhall and he is hereby required to deliver, *gratis*, to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Truſtees may reduce the Tolls;

XXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Seven or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which Meeting One Calendar Month's Notice ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid, and alſo affixed on all and every the Turnpike Gates then ſtanding on the ſaid Roads, from Time to Time to leſſen or reduce all or any of the ſaid Tolls, and alſo any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in force for Overweight or otherwiſe, in ſuch Manner as to them

them shall seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said Trustees shall think proper, and afterwards at any Meeting to be holden and appointed as aforesaid from Time to Time, if they the said Trustees or any Seven or more of them shall see Occasion to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with respect to Overweights or otherwise: Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Two Third Parts of the Money remaining due upon the Credit of the said Tolls.

and afterwards advance them again to any Sum not exceeding the Rates before granted;

provided no Reduction be made without the Consent of Creditors.

Only Two full Tolls to be taken.

XXIV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road on the same Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night).

Tolls to be paid but once a Day.

XXV. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates erected or set up by virtue of this Act, such Person shall, upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis*, on Demand, to every Person paying the said Tolls), be permitted to pass Toll-free with the same Horse, Cattle, Beast, and Carriage, through the same Toll Gate, at any Time or Times during the same Day, to be computed as aforesaid.

For preventing Toll Collectors from taking undue Tolls.

XXVI. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed, either by the said Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof,

thereof, and claim ſuch Exemption; or ſhall refuſe to permit or ſuffer or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the ſaid Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment; or, upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers; then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Toll Gates, &c. veſted in the Truſtees.

XXVII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be erected or made upon or on the Sides of the ſaid Road by virtue of this Act, and the Materials for building and repairing the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they or any Seven or more of them are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any ſuch Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, or diſturb them or their Agents or Servants in the Poſſeſſion thereof, in which Bill or Bills of Indictment it ſhall be ſufficient to ſtate generally ſuch Toll Gates, Toll Houſes, Conveniencies, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the ſaid Truſtees.

No Toll for croſſing the Road only.

XXVIII. And be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act on the Side or Sides of any Part of the ſaid Roads, for any Horſe, Cattle, or Carriage which ſhall only croſs the ſaid Roads or any Part thereof, or ſhall not paſs above One hundred Yards thereon, unleſs ſuch croſſing ſhall be with Intent to evade the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Toll ſhall be thereby evaded.

Penalties on Collectors taking greater or leſs Tolls than allowed.

XXIX. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls ſhall demand and take or cauſe to be demanded and taken from any Perſon or Perſons any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer, Renter, or Collector ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and every ſuch Collector, not

being the Farmer or Renter, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Shillings; ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned.

Truſtees may compound.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Seven or more of them from Time to Time to compound with any Perſon or Perſons, for any Period of Time not exceeding Twelve Calendar Months, for any Horſes, Cattle, or Carriages paſſing and repaſſing on the ſaid Roads, or any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect thereof; and all ſuch Compoſition Money ſhall be paid in advance, Quarterly or otherwiſe, as the ſaid Truſtees ſhall appoint, or in default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes.

For ſettling Diſputes concerning Tolls.

XXXI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector or the Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby authorized to adminiſter) and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Toll Bar Keepers not to be deemed incompetent Witneſſes.

XXXII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being ſo appointed or intereſted under ſuch Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the ſaid Truſtees.

Penalty for evading Tolls.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, or Hereditaments (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants) lying near any Turnpike or Toll Gate which ſhall be erected by virtue of this Act (the ſame not being a Public Highway); or if any Owner or Occupier of ſuch Lands, Grounds, or Hereditaments ſhall knowingly permit or ſuffer any Perſon or Perſons (not being his, her, or their Servant or Servants, or of his, her, or their Family) with any Horſe, Cattle, Beaſt,

or

or Carriage whatſoever, to paſs through the ſame with Intent to evade the ſaid Tolls or any of them; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the ſaid Tolls or any Part thereof; or if any Perſon or Perſons ſhall fraudulently paſs through any ſuch Turnpike or Toll Gate with any Horſe, Beaſt, or other Cattle, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle from any Carriage, or having paſſed through any ſuch Turnpike or Toll Gate ſhall afterwards add or put an additional Horſe or Horſes, Beaſt or Beaſts, to ſuch Carriage, with Intent to evade the Payment of the ſaid Tolls, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Exemptions from Toll.

XXXIV. And be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, Horſe, or other Cattle, going unladen for, or being only laden with, or returning after having gone laden only with any Materials for making and repairing the ſaid Roads, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Roads lead; or for any Carriage or Cattle carrying any Graſs, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw (not ſold or diſpoſed of), and paſſing to be laid up in the Houſes, Out-houſes, Barns, Yards, or Cloſes of the Owner or Owners thereof, or returning empty therefrom, 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; or for any Horſes, Cattle, or Carriages going for or returning with any Ploughs, Harrows, or other Implements of Huſbandry belonging to any of the Inhabitants of the Pariſhes, Townſhips, Hamlets, or Places wherein any Part of the ſaid Roads lies, or for any Cattle going to or returning from Plough or Harrow, or for any Carriage or Cattle carrying any Dung, Mould, or Compoſt of any Kind whatſoever (Lime excepted) to be employed in Huſbandry, or for manuring or ſtocking of Land, but for no other Purpoſe; or for any Horſes or other Cattle or Carriages employed in the conveying of any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Derby*, on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or going to or returning (on *Sundays*, or on any other Days on which Divine Worſhip is ordered by Authority to be celebrated) from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes, Townſhips, Hamlets, or Places in which the ſaid Roads or any Part thereof hereby directed to be made lie; or from any Clergyman going to perform or returning from performing his Duty at any Church or Chapel, or to or from viſiting his ſick Pariſhioners; or for any Carriages or Horſes employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning from conveying or guarding the ſame; or for any Horſe, Ox, Cow, Sheep,

or

or other Cattle going to or returning from any Paſture, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes, Hamlets, or Places, or from any Watering-place, or from being ſhoed or farried; or for any Horſes belonging to Officers or Soldiers upon their March or upon Duty; or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the H rſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in carrying or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or returning from having been ſo employed; or for any Horſe furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulation of ſuch Corps at the Time of claiming the Exemption; or for any Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds; One Moiety thereof to be paid to the Informer, and the other Moiety thereof to be applied to the Purpoſes of this Act.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

XXXV. And be it further enacted, That no Perſon or Perſons owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

XXXVI. And whereas an Act was paſſed in the Fourth Year of the
4 G. 3. c. 82. Reign of His preſent Majeſty King *George* the Third, intituled *An Act for widening and repairing the Road leading from* Aſhbourne *in the County of* Derby, *over* Belpar Bridge, *to the preſent Turnpike Road from* Sheffield *and* Cheſterfield *to* Derby, *at or near a Place called* Open Wood Gate, *and from* Belpar Bridge *to* Ripley *in the County of* Derby: And whereas an Act was paſſed in the Twenty-fifth Year of the Reign of His
25 G. 3. c. 121. preſent Majeſty, intituled *An Act for enlarging the Term and Powers of an Act made in the Fourth Year of the Reign of His preſent Majeſty,*

intituled 'An *Act for widening and repairing the Road leading from* 'Aſhbourne *in the County of* Derby, *over* Belpar Bridge *to the preſent* 'Turnpike *Road from* Sheffield *and* Cheſterfield *to* Derby, *at or near a* 'Place *called* Open Wood Gate, *and from* Belpar Bridge *to* Ripley *in* 'the *County of* Derby:' And whereas an Act was paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act* 47 G. 3. c. 3. *to continue and amend Two Acts, made in the Fourth and Twenty-fifth Years of His preſent Majeſty, for repairing the Road from* Aſhbourne *in the County of* Derby, *over* Belpar Bridge, *to the preſent Turnpike Road from* Sheffield *and* Cheſterfield *to* Derby, *at or near a Place called* Open Wood Gate, *and from* Belpar Bridge *to* Ripley *in the County of* Derby: And whereas it has been propoſed by the Truſtees for executing the ſaid Acts, that ſuch Parts of the Roads compriſed in the ſaid recited Acts as lie adjoining to and abutting upon a certain Road in *Belpar* aforeſaid, leading to *Duffield* in the ſaid County, at an Angle in the ſaid *Aſhbourne* and *Open Wood Gate* Turnpike Road, at the South End of the Town of *Belpar* aforeſaid, and extending through *Belpar* aforeſaid to and over a certain Part of the ſaid Road leading from *Belpar Bridge* to *Ripley* aforeſaid, to the Termination of the ſaid Road intended to be made from *Cromford* to *Belpar* under and by virtue of the Powers of this Act, altogether containing in Length about One Mile and Two hundred and ninety Yards, ſhould in future be kept in Repair by the Truſtees for executing this Act; and that neither the ſaid Truſtees for executing the ſaid Acts, nor the Truſtees for executing this Act, ſhould erect a Toll Bar or take any Toll on any Part of the ſaid Length of Roads; and it was alſo propoſed that the Truſtees for executing this Act ſhould pay to the Truſtees for executing the ſaid Acts the Sum of Five hundred Pounds as and for a Compenſation for giving up the Power of erecting a Toll Gate and taking Tolls on the ſaid Length of their Roads: And whereas it would be for the Benefit and Advantage of the Public if the ſaid Propoſal was carried into Effect in the Manner and ſubject to the Conditions herein-after mentioned; be it therefore enacted, That ſuch Parts of the Roads compriſed in the ſaid recited Acts as lie adjoining to and abutting upon the ſaid Road in *Belpar* aforeſaid leading to *Duffield* in the ſaid County of *Derby*, at an Angle in the ſaid *Aſhborne* and *Open Wood Gate* Turnpike Road, at the South End of the Town of *Belpar* aforeſaid, and extending through *Belpar* aforeſaid to and over a certain Part of the ſaid Road leading from *Belpar Bridge* to *Ripley* aforeſaid, to the Termination of the ſaid Road intended to be made from *Cromford* to *Belpar*, under and by virtue of the Powers of this Act, containing in Length about One Mile and Two hundred and ninety Yards, ſhall from and after the paſſing of this Act be repaired and kept in good and ſufficient Repair by the Truſtees for executing this Act; and that no Toll Bar ſhall be erected, or any Tolls taken, on any Part of the ſaid Length of Roads, either by the Truſtees for executing the ſaid Acts, or by the Truſtees for executing this Act.

Truſtees for executing this Act to keep in Repair a certain Part of the Aſhborne Road, and reſtraining them from erecting any Gate or taking any Toll upon ſuch Part of the Road.

XXXVII. And be it further enacted, That within the Space of Three Calendar Months next after the paſſing of this Act, the Truſtees for executing this Act ſhall pay or cauſe to be paid to the Truſtees for executing the ſaid Acts, or to their Treaſurer or Treaſurers, the Sum of Five hundred Pounds, as a Compenſation for giving up the Power of erecting

Requiring the Truſtees to pay £500 as a Compenſation for giving up the Power of erecting Gates

or taking Toll upon the ſaid Road.

erecting a Toll Gate and taking Tolls on the ſaid Length of their Roads; and in default of ſuch Payment for the Space of Twenty-one Days next after the ſame ſhall become due, the ſaid Sum of Five hundred Pounds ſhall and may be recoverable and recovered from the Truſtees for executing this Act, or from their Treaſurer for the Time being, to be by them appointed by virtue thereof, 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 ſaid Treaſurer, in the Name or Names of the Treaſurer or Treaſurers of the Truſtees for executing the ſaid Acts for the Time being; and ſuch Sum or Sums of Money, when paid or recovered as aforeſaid, ſhall be applied by the Truſtees for executing the ſaid Acts in ſuch Manner as the Tolls collected in purſuance of the ſaid recited Acts are thereby directed to be applied.

Truſtees may let Tolls.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Meeting, whereof Twenty-eight 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 and Seals, to let or demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time and to ſuch 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.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXXIX. And be it further enacted, That during ſuch Time as the ſaid Tolls or any Part or Parts thereof ſhall be leaſed, demiſed, or in Farm to any Perſon or Perſons, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Tolls, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, and to ſuch Rules and Regulations, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby made ſubject or liable to.

Power to borrow Money.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Seven or more of them from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit, upon the Credit of the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to aſſign over the ſaid Tolls or any Part or Parts thereof, and the Turnpike Gates and Toll Houſes for collecting the ſame (the Charges of ſuch

Mortgages

Mortgages or Aſſignments to be paid out of the ſaid Tolls), to any Perſon or Perſons, for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the ſeveral Sums that ſhall be borrowed, with the Intereſt thereof, which Aſſignments or Mortgages ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Aſſignment.

'BY virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*], We, Seven of the Truſtees acting in the Execution of the ſaid Act, in conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by do hereby grant, bargain, ſell, and demiſe unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or to be advanced on the Credit of the ſaid Tolls, to be had and holden from the Day of for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with lawful Intereſt for the ſame, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord

And Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book to be provided and kept for that Purpoſe by the Clerk to the ſaid Truſtees, but no Money ſhall be borrowed unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the ſaid County of *Derby*, and alſo affixed upon the Turnpikes or Toll Gates which ſhall be then ſtanding upon the ſaid Road, at leaſt Twenty-one Days before the borrowing thereof; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid ſhall be good, valid, and effectual in Law to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under their reſpective Hands and Seals, transfer their Right, Title, Intereſt, or Benefit in and to the ſaid Security, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Endorſement on ſuch Security, to be executed in the Preſence of One or more credible Witneſs or Witneſſes; which Transfer ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Transfer.

'I do transfer the within Mortgage, and all the Principal and Intereſt now due thereon, unto Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand and Seal this Day of

All which Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid the Sum of Five Shillings and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the reſpective Aſſignees or Perſons to whom the ſame ſhall be made, their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof or Payment thereon; and every ſuch Aſſignee ſhall and

and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another; and no Person shall have any Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application of the Tolls and Money borrowed.

XLI. And be it further enacted, That all the Tolls and other Monies arising by virtue of this Act shall be applied and disposed of by the said Trustees in Manner following; (that is to say), in Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and in carrying the same into Execution, and in making and constructing the said Road, and repairing and amending the same, and in erecting Turnpikes and Toll Houses thereupon, and for other Purposes from Time to Time relating to and attending the Execution of this Act, and in paying and keeping down the Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging such Principal Monies, and to and for no other Purpose whatsoever.

Power to enter Lands and make Roads.

XLII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Roads hereby authorized to be made are intended to pass, and to stake out and make the same of such Width (not exceeding Sixty Feet over any Commons or Waste Grounds, and not exceeding Forty Feet over any other Lands or Grounds), and in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees may make and divert the Road.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby fully authorized and empowered, to make and repair, and from Time to Time to widen, divert, shorten, vary and alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees or any Five or more of them

them to treat, contract and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all other Femes Covert who are or shall be seized of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seized, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees for Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restraining the Trustees from deviating beyond certain Distances of the Line prescribed in the Plan, &c.

XLIV. And whereas a Map or Plan describing the Line of the said Road and Branch, and the Lands through which the same are intended to be carried, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the said County the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road and Branch shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Road through Grounds, although the

XLV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven or more of them to make the said Road and Branch into, through, across, or over the several Lands

Owners' Names are not in the Book of Reference.

Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Land over which the ſame is ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Derby*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Where Perſons intereſted neglect or refuſe to treat.

XLVI. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Dwelling-houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of Lands or Hereditaments through which any Part of the ſaid Road is intended to be made, widened, diverted, turned, or altered, ſhall, for the Space of Twenty-one Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage, Value, or Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Derby* from the Neighbourhood of the Place where ſuch Lands and Hereditaments do lie; and in order thereto the ſaid Truſtees or any Five or more of them are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own as for the Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners, or other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; and ſuch Verdict and Inquiſition, Order and Determination thereon, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim any Eſtate in Poſſeſſion, Reverſion, or Remainder in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries the ſaid Truſtees are hereby empowered to iſſue their Warrant to the Sheriff of the County of *Derby*, requiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the

Truſtees to iſſue a Warrant to the Sheriff to empannel a Jury.

Place where ſuch Lands and Hereditaments lie, qualified to ſerve upon Juries, to appear before the ſaid Truſtees or any Five or more of them at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff or his Deputy or Deputies is and are hereby required to empannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and they are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men who ſhall be a Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, or appearing ſhall refuſe to be ſworn and examined or to give Evidence, or ſhall otherwiſe wilfully miſconduct themſelves in giving their Evidence, ſo that no one Fine be more than Five Pounds on any one Perſon for any one Offence.

Truſtees may impoſe Fines on Sheriff, Jurymen, or Witneſſes making Default, &c.

XLVII. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Directions or Authority of this Act ſhall give in 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 ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property in ſuch Lands or Hereditaments, or Loſs or Damage as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the

Expences of the Jury and Witneſſes how to be paid.

the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expenſes having been aſcertained and ſettled by ſome one Juſtice of the Peace for the ſaid County of *Derby*, not intereſted in the Matter in queſtion, (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Money allowed for Lands how to be charged or tendered.

XLVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties reſpectively entitled thereto, or to their Agents; and where the Eſtate ſo purchaſed or taken as aforeſaid, is within the Manors of *Beaureper* otherwiſe *Belpar* and *Duffield* in the ſaid County of *Derby*, and of Copyhold Tenure, full Satisfaction and Compenſation ſhall be paid to the Lord or Lords of the ſaid Manors for the Time being for his or their reſpective Right and Intereſt therein, in conſequence of the Enfranchiſement or Extinguiſhment of ſuch Eſtate; and upon Payment thereof, or depoſiting the ſame in the Bank of *England* as herein-after directed (as the Caſe may be), and after Eight Days Notice thereof given to ſuch Parties or Perſons, or to their Agents, or left at their or any of their reſpective uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct, and ſhall be by them, or ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes whatſoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the ſaid Road for ever thereafter.

Truſtees not to take down Houſes, &c.

XLIX. Provided always, and be it further enacted, That the Power or Authority by this Act given to the ſaid Truſtees ſhall not extend to the taking down or injuring any Dwelling-houſe or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Plantation or Nurſery of Trees, or of any Part or Parts thereof, without the Conſent in Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained.

L. And

Application of Compenſation Money when amounting to or exceeding 200l.

L. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements 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, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed 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 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, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Encumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſaid Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and 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, Tenements, 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, Tenements 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 meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid 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 meantime, 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, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement had been made.

When leſs than 200l. and exceeding 20l.

LI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and 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 amount to or 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 Tenements ſo purchaſed, taken, or uſed, or of his 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 by Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nomnating and approving Parties) in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When leſs than 20l.

LII. Provided always, 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 been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees or any Five of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles,

or if Perſons cannot be found, the Purchaſe Money to be paid into the Bank;

LIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, and Hereditaments, [deſcribing them] ſubject to the Order, Control, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to

ſubject to the order of the Court of Chancery, on Motion or Petition.

ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion to be deemed preſumptively entitled, &c.

LIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may direct the Payment of Expences.

LV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act; Perſons of whom it was bought, whoſe Lands adjoin, to have the firſt Offer.

LVI. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads in Manner herein-before mentioned, they may happen to be ſeized of ſome Piece or Pieces of Ground or Hereditaments over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them to ſell and diſpoſe of ſuch Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any ſuch Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the

the ſame ſhall have been purchaſed, or in caſe of diverting any Part or Parts of the ſaid Road, to the Perſon or Perſons whoſe Lands ſhall adjoin to the old Road; and if ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to and on account of the Price thereof, as herein-after mentioned,) or ſhall refuſe (except with reſpect to and on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Derby*, (who are hereby reſpectively empowered to take the ſame) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to the diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Truſtees may contract for Work, &c.

LVII. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby authorized and empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, improving, or repairing the ſaid Road, or any Part or Parts thereof, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper.

For getting Materials to make and repair the Road.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſon or Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making and repairing the ſaid Road, out of and from any Commons or Waſte Ground, Common River, Brook, or Pit, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place in which any Part of the Road hereby directed to be made, amended, and repaired ſhall lie, or in any adjoining Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting

acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, and railing or fencing-off ſuch Pits or Quarries ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may, by Order of any Two or more Juſtices of the Peace for the ſaid County of *Derby*, ſearch for, cut, dig, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the ſame, and for any Damages done thereby to the Owners and Occupiers of the Grounds and Premiſes where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Ground and Premiſes, as the ſaid Truſtees ſhall deem reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall and may be lawful to and for any Two Juſtices of the Peace for the ſaid County of *Derby*, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for making and repairing the Road.

LIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing ſuch Roads out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor or Surveyors, ſhall have been given to the Owner and Occupier of the Premiſes, or the known Agent of any ſuch Owner from which ſuch Materials are intended to be taken, or left for ſuch Owner and Occupier at their reſpective uſual Places of Reſidence; to appear before Two or more Juſtices of the Peace acting for the ſaid County of *Derby*, to ſhow Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner and Occupier, or one of them, or their or his Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhow ſufficient Cauſe to the contrary, then and in ſuch Caſe ſuch Juſtices ſhall or may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, without ſufficient Excuſe, ſuch Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

LX. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stone or other Materials which shall have been dug, gathered, or taken for the Purpose of making or repairing the said Roads, or other the Purposes by this Act authorized or directed, or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Stone, Gravel, or other Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Three Weeks, (except the Owner or Occupier of any Private Ground wherein such Pit or Quarry shall have been so made, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, such Owner or Occupier or other Person not taking any of the Stone, Gravel, or other Materials which may have been dug or gathered for the Purposes aforesaid, and which may remain in such Pit or Quarry, without the Consent of the Surveyor or Surveyors of the said Road), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Surveyors may make Drains, &c.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees or any Five or more of them, to cut and make any Causeways or Footpaths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, and to erect Bridges and Arches over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made use of as a Public Highway whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages; and also to make Watercourses, and to carry and divert the Water in, through, and under any Lands adjoining or lying near to the said Road, for the Convenience of the Owners or Occupiers of such Lands, or of any other Lands lying near to the said Road, making such reasonable Satisfaction to the Owners and Occupiers of the Lands respectively through and into which any such Drains or Watercourses shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case any Difference shall happen to arise between such Owners or Occupiers and such Trustees, touching such Damage, then and in such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the said County of *Derby* next after the Expiration of Twenty-one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear and determine the same, and their Determination therein shall be final and conclusive.

On making Satisfaction for Damage done thereby; and in case of Difference concerning the same, Justices in Sessions to determine.

LXII. Provided

Mines reserved to the Owners of Lands.

LXII. Provided always, and be it further enacted, That all Mines of Lead Ore, Mines, Veins, Beds, or Seams of Coal, Ironstone, and other Materials whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Road by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seized of or entitled to the same in case this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same in such Manner as is usual for carrying on Works of that Kind, in the District or Place where such Mines, Coal, or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the Working thereof no Damage shall be done to the said Road or any Part thereof.

Surveyors may remove Annoyances.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Direction and under the Hands of any Five or more of the said Trustees, from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Rails, Steps, Sign Posts, Walls, or otherwise, and to turn or stop any Watercourses, Sinks, or Drains running into, along, and out of any Part of the said Road to the Prejudice or Injury thereof; and to make as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to or leading into or out of any Part or Parts of the said Road; and at proper Seasons of the Year to cut down, lop, or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto, not being Trees or Bushes planted as a Shelter or Ornament to a House or other Building, or not standing on any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, or by their Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Gates not to swing into the Road.

LXIV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inwards towards such Field or Ground,

Ground, and not towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are now erected or may hereafter be erected, and open and ſwing outwards towards the ſaid Road, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outwards towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alterations, or after ſuch Alterations ſhall have been once made, ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Road to be meaſured, and Mile Stones and Guide Poſts to be erected.

LXV. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and may cauſe the ſaid Roads to be meaſured, and Mile Stones to be ſet up at or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, as they the ſaid Truſtees ſhall think fit; and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Road where the ſame are croſſed and joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface any Table of Tolls, Mile Stones, or Poſts, erected on any Part of the ſaid Road, or any of the Letters, Figures, or Marks inſerted or inſcribed thereon, or ſhall willfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls, on the Side or Sides of any Bridge or Bridges, Arch or Arches, or any Part or Parts of the ſaid Road, every ſuch Perſon ſo offending ſhall forfeit and pay for ſuch Offence any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Poſt, Parapet Wall, or Arch ſo broken, thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks ſhall be ſo obliterated or defaced, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purpoſes of this Act.

Penalty on riding on Footpaths, &c.

LXVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive or lead any Horſe, Beaſt, Cattle, or Carriage over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of the ſaid Road or any Part thereof, or ſhall wilfully or negligently damage or deſtroy any of the Fences, Walls, or Gates on the Sides of the ſaid Road, and belonging thereto, or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways, or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Road to the Prejudice or Injury thereof, or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, ſo as wilfully to damage the ſaid Road or any Part thereof, or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone (otherwiſe than upon wheeled Carriages), or

ſhall ſuffer any Part of any Tree, or Piece of Timber or Stone, which ſhall be carried upon a wheeled Carriage, to drag upon any Part of the ſaid Road to the Prejudice or Injury thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copſe on either Side thereof, or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, Beaſt, or Pigs, to be and remain looſe on the ſaid Road, or if any Perſon driving any Coach, Chaiſe, or Waggon, Cart, or other Carriage, upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon from paſſing him, her, or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his, her or their Care, or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to, or let off, or throw any Squib, Rocket, Serpent, or Fire-work whatſoever, or play at Football, or any other Game or Games whatſoever, on any Part of the ſaid Road; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be) in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Perſon or Perſons travelling thereon, or ſhall do any other Damage or Injury to the ſaid Roads, or any Part thereof; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Perſons liable to the Repair of the Roads, &c. to continue ſo.

LXVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Perſon or Perſons liable to the amending, maintaining or repairing any Part or Parts of the ſaid Road on any Bridge, Cauſeway, Drain, Arch, or Sewer therein, ſhall ſtill remain liable and chargeable to the Repair thereof in ſuch Manner as they were before the paſſing of this Act.

Townſhips to be liable to repair.

LXIX. And be it further enacted, That all the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places through which the ſaid

ſaid Road ſhall paſs, ſhall be liable to the Repair of ſuch Parts of the ſaid Road as are within their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, in ſuch and the ſame Manner as they are liable to the Repair of any other Highways within the ſame.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences.

LXX. Provided always, and be it further enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Road within the Pariſhes, Townſhips, or Places through which the ſaid Road or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Road; and it ſhall and may lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Derby*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, 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 lies, 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 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, Townſhip, 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 paid, which Liſt of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law 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 do 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 or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe by any Surveyor to 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 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 negligent or idle by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are 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 ſending ſuch Labourer, Team or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places, ſhall refuſe or neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LXXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Five or more of them 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, Townſhips, or Places, duly authorized for that Purpoſe at a public Veſtry, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the 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 or Treaſurers of the ſaid Truſtees in advance, on or before the Firſt Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh, Townſhip, or Place, ſhall not be permitted to compound for that Year.

For ſecuring tranſient Offenders.

LXXII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors or other Officers appointed to put this Act into Execution; be it therefore enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County or Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered, directed and required to proceed to the hearing and determining of the Complaint.

LXXIII. And

For Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Derby*, (which Warrant ſuch Juſtice is hereby empowered to grant, upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and which Oath ſuch Juſtice is hereby empowered to adminiſter), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction of ſuch County, Town, or Place where the Offence ſhall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures ſhall be ſooner fully paid and ſatisfied.

Directing the Form of Conviction.

LXXIV. And be it further enacted, That, for the more ſpeedy Conviction of Offenders againſt this Act, all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the Form or to the Effect following;

'{ BE it remembered, That on the Day of
'to wit. { in the Year of our Lord
'is convicted before me [*or* us] of His Majeſty's Juſtices of the
'Peace for the by virtue of an Act of
'Parliament made and paſſed in the Fifty-ſeventh Year of the Reign
'of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth*
'*the Title of this Act, and ſpecify the Offence, and the Time and Place when*
'*and where the ſame was committed.*] Given under my Hand and Seal,
'the Day and Year firſt above written.'

Power to compel Payment of Subſcriptions.

LXXV. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Road and Branch ſhall, and he, ſhe, and they is and are hereby required to pay his, her, and their Subſcription Money to the Treaſurer to the ſaid Truſtees at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees or any Five or more of them; and if any Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees or any Five or more of them, in the Name of their Clerk or Treaſurer for the Time being, to ſue for and recover the ſame by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Limitation of Actions.

LXXVI. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for

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any Thing done in purſuance of this Act, after Twelve Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead, at his and their Election, ſpecially or 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 if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law.

Appeal.

LXXVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the firſt General Quarter Seſſions of the Peace to be holden for the County or Place in which ſuch Cauſe of Appeal ſhall ariſe next after the Expiration of Four Calendar Months from the Time ſuch Matter of Appeal ſhall have ariſen; the Perſon or Perſons appealing having firſt given Fourteen Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Treaſurers or Clerk of the ſaid Truſtees, and within Seven Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Derby*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices in ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they ſhall judge proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding, and concluſive upon all Parties to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for want of Form.

LXXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Notice, Information, Summons, Conviction,

viction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form.

LXXIX. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceeding made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXXX. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court wherein ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

If no Tender made, Money may be paid into Court.

Public Act.

LXXXI. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices and others, with being ſpecially pleaded.

Commencement and Continuance of this Act.

LXXXII. And be it further enacted, That this Act ſhall commence and take place on the paſſing thereof, and from thence ſhall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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