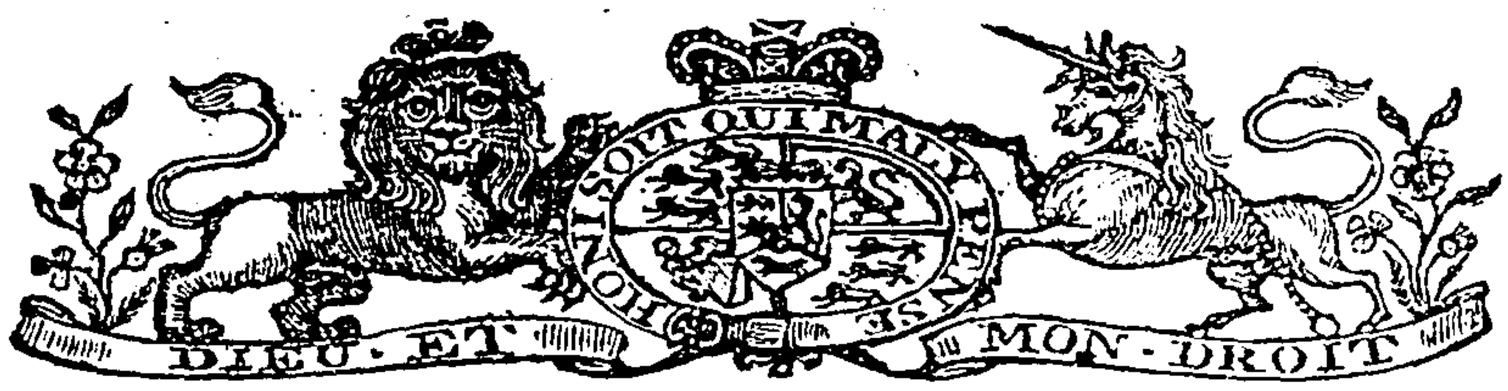


ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

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and to join such Turnpike Road near *Pike Hall*, and the other from near the said Valley to *Wirksworth* aforesaid, the same would be of great publick Benefit; but the said first-mentioned Roads cannot be effectually amended, widened, altered, and improved, by the ordinary Course of Law, nor the said new Branches of Road made, without the 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,

Trustees. That the Right Honourable *George Augustus Henry Cavendish*, commonly called *Lord George Augustus Henry Cavendish*, *Richard Arkwright*, *Richard Arkwright* the younger, *Peter Arkwright*, *Robert Alsop*, *Robert Alsop* of Stainsborough, *John Blackwall*, *Robert Blackwall*, *John Brownson*, *Josiah Banks*, *John Briddon*, *Samuel Briddon*, *George Banks*, *Hugh Bateman*, *William Brittlebank*, *Ebenezer Bowman*, *John Blore*, *Walter Buxton*, *William Cavendish*, *John Chaloner* Clerk, *John Cruso*, *Daniel Cantrell*, *John Dakin*, *William Etches*, *Cornelius Flint*, *Thomas Finney*, *William Fidler*, *Thomas Fogg*, *Philip Gell* of Hopton, *Philip Gell* of Wirksworth, *William Gell*, *Robert Greville* Clerk, *Anthony Goodwin*, *Francis Green Goodwin*, *Joshua Gregory*, *David Gregory*, *Richard Gregory*, *Joseph Gould*, *Richard Gould*, *William Gould*, *George Williamson Greaves*, *Francis Hurt*, *Charles Hurt*, *John Heaton*, *Stephen Hall*, *Thomas Hall*, *Benjamin Hope* Clerk, *Nathan Hubbersty* Clerk, *George Hodgkinson*, *Thomas Johnson*, *Rickards Ince*, *Henry Jones*, *Thomas Knowlton*, *Edward Leacroft*, *Robert Lowe*, *William Longsdon*, *James Longsdon*, *John Leedham*, *Thomas Lomas* the younger, *William Lane*, *John Matkin*, *Stephen Melland*, *Francis Melland*, *Robert Millington*, *Stephen Marsden*, *John Milward*, *James Norman*, *Ellis Needham*, *John Nuttall*, *George Nuttall*, *William Normansha*, *John Palfreman*, *George Pearson*, *Richard Smith* Clerk, *James Swettenham*, *Joseph Smedley*, *Robert Simpson*, *John Sleigh*, *Bache Thornhill*, *Henry Bache Thornhill*, *John Toplis*, *George Toplis*, *Ralph Toplis* the younger, *Charles Wright*, *William Wright*, *John Webster*, *George Webster*, *George Webster* the younger, *Adam Wolley*, *Henry Woolley*, *John Wain*, *Luke Wild*, *Thomas Wild*, *Isaac Wheeldon* the younger, *John Wright*, *John Williamson*, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for making, amending, widening, altering, improving, and keeping in Repair the Roads herein-before described, and for putting this Act into Execution; and that when and as often as any of the Trustees herein-

Election of new Trustees. before named, or to be elected in Manner herein-after mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect some fit Person to be a Trustee in the room of every Trustee dying or refusing to act as aforesaid, (Ten Days publick Notice of the Meeting for every such Election being given in some Newspaper published or circulated in the said County, and also upon the several Turnpikes or Toll Gates which shall be then standing upon or across the said Roads); and every Person who shall be so elected a Trustee, shall be joined with the surviving or remaining Trustees, and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

II. Provided

Qualification of Truſtees.

II. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or other Hereditaments, of the clear annual Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch an Eſtate of the clear yearly Value of One hundred Pounds, or be poſſeſſed of a Perſonal Eſtate, or ſeiſed and poſſeſſed of Real and Perſonal Eſtates together to the Amount of One thouſand Pounds, and if any Perſon (not being ſo qualified) ſhall nevertheleſs 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* by Action of Debt, or on the Caſe, or by Bill, Suit, or Information; and every Perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that ſuch of the ſaid Truſtees as are or ſhall be in the Commiſſion of the Peace for the County of *Derby*, may nevertheleſs act as Juſtices of the Peace in the Execution of this Act (except only in ſuch Caſes where they ſhall be perſonally intereſted); but no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act in any Caſe where he ſhall be concerned in Intereſt, or during the Time he ſhall hold any Place of Profit under this Act: Provided alſo, that any Mortgagee, or any Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls authorized to be taken on the ſaid Roads, or receiving Intereſt thereout for the ſame, ſhall not on that Account be deemed unqualified to act, or defeated from acting as a Truſtee.

Truſtees may act as Juſtices.

Mortgagees may act as Truſtees.

Meetings of Truſtees.

III. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *John Leedham*, being the *Matlock Old Bath* in the ſaid County, upon the Fourth *Thurſday* next after this Act ſhall have received the Royal Aſſent, between the Hours of Eleven of the Clock in the Forenoon, and One of the Clock in the Afternoon, and proceed to the Execution of this Act, and ſhall adjourn themſelves, and afterwards meet at the ſame or any other Place or Places near the ſaid Road, as often as the ſaid Truſtees ſhall think neceſſary for putting this Act into Execution; and if it ſhall at any Time happen that there ſhall not meet a Number of Truſtees ſufficient to act, then any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting) or the Clerk to the ſaid Truſtees ſhall appoint a Meeting to be held on that Day Three Weeks at the Place where ſuch intended Meeting was appointed to have been held, and ſhall cauſe Notice thereof to be advertized in ſome Newſpaper publiſhed or circulated in the ſaid County, and to be affixed on all the Turnpikes or Toll Gates then erected upon or acroſs the ſaid Roads, at leaſt Seven Days before ſuch Meeting, and that there ſhall be One General Meeting of the ſaid Truſtees on the Firſt *Thurſday* in *July* in every Year, at ſuch Place as the ſaid Truſtees

Truſtees ſhall appoint, and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and that all Acts, Orders, Determinations, Matters, and Things, by this Act authorized, directed, mentioned, or expreſſed to be done, made, or performed by the ſaid Truſtees, ſhall be done, made, or performed at ſuch Meetings to be held in purſuance of this Act, and not otherwiſe (except in ſuch Caſes as are hereby otherwiſe expreſsly mentioned) and the ſame may be done or performed by the Majority of the Truſtees preſent at their reſpective Meetings, the whole Number preſent at any ſuch Meeting not being leſs than Five, and the ſame ſhall be as valid as if done or performed by all the ſaid Truſtees: Provided always, that no ſuch Order be revoked or altered at any ſubſequent Meeting, unleſs the Number of Truſtees revoking or altering the ſame ſhall be greater than the Number of Truſtees who made ſuch Order, and unleſs the Perſon or Perſons applying to revoke or alter ſuch Order, ſhall give Notice thereof to the Clerk to the ſaid Truſtees, who ſhall cauſe the ſame to be inſerted in ſome Newſpaper publiſhed or circulated within the ſaid County of *Derby*, and to be affixed on all the Turnpikes or Toll Gates which ſhall be then ſtanding upon or acroſs the ſaid Roads, at leaſt Fourteen Days previous to any Meeting to be held for that Purpoſe; any Thing herein contained to the contrary notwithſtanding.

Meetings on Emergencies.

IV. Provided always, and be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day for Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Two or more of the ſaid Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purport of ſuch intended Meeting, ſhall forthwith give Notice in Writing, to be affixed on all the Turnpikes then ſtanding upon the ſaid Roads, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time being not leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Truſtees to appoint Officers.

V. And be it further enacted, That the ſaid Truſtees ſhall and may from Time to Time appoint a Treaſurer and Clerk, and alſo ſuch Collectors of the Tolls, Surveyors, and other Officers as they ſhall think fit and neceſſary, and may from Time to Time remove any ſuch Officers when they ſhall ſee Occaſion: Provided nevertheleſs, that when any Collector of the Tolls to be appointed by virtue of this Act, ſhall die, reſign, or become incapable of performing his Duty, it ſhall be lawful for any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting) by Writing under their Hands to appoint a Collector of the Tolls in the Stead of ſuch as ſhall die, reſign, or become incapable of performing his Duty as aforeſaid, and the Perſon ſo appointed ſhall have the ſame Authority for the collecting and recovering of the Tolls hereby granted, as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees ſhall at a Meeting appoint a Collector of the Tolls in his Stead.

Officers to account.

VI. And be it further enacted, That all ſuch Officers as ſhall be appointed by virtue of this Act, ſhall as often as required by the ſaid Truſtees, render and give to them, or to ſuch Perſon as they ſhall for that Purpoſe

appoint, a true, exact, and perfect Account in Writing under their reſpective Hands, with the proper Vouchers, of all Monies which they ſhall reſpectively to ſuch Time have received, paid, and diſburſed by virtue of this Act, or by reaſon of their reſpective Offices, and ſhall verify ſuch Accounts upon Oath, if thereunto required by the ſaid Truſtees (which Oath the ſaid Truſtees are hereby empowered to adminiſter); or in caſe any Money ſo received by any ſuch Officer ſhall remain in his Hands, the ſame ſhall be paid to the ſaid Truſtees, or to ſuch Perſon as they ſhall by Writing under their Hands authorize and empower to receive the ſame; and if any ſuch Officer ſhall refuſe or wilfully neglect to render and give ſuch Account, or to produce and deliver up ſuch Vouchers, or to verify ſuch Account upon Oath as aforeſaid, or ſhall for the Space of Twenty-one Days after being thereunto required by the ſaid Truſtees in Writing, refuſe or neglect to render and give up to them, or to ſuch Perſon as they ſhall direct, all Books, Papers, Writings, Matters, and Things in his Hands, Cuſtody, or Power, relating to the Execution of this Act, then any Juſtice of the Peace for the County where the Officer ſo making Default ſhall be or reſide, ſhall and may upon Application made to him for that Purpoſe, by or on Behalf of the ſaid Truſtees, make Enquiry of and concerning any ſuch Default in a ſummary way, as well by the Confeſſion of the Party as by the Teſtimony of any credible Witneſs upon Oath, (which Oath the ſaid Juſtice is hereby empowered and required to adminiſter without Fee or Reward) and by Warrant under his Hand and Seal to cauſe ſuch Money as ſhall appear to him to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, rendering to him the Overplus (if any) after the Money remaining due, and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted; and if ſuch ſufficient Diſtreſs cannot be found, or if it ſhall appear to any ſuch Juſtice in Manner aforeſaid, that any ſuch Officer ſhall have refuſed or wilfully neglected to give ſuch Account, or to verify the ſame in Manner as aforeſaid, or to deliver up all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of his Office, or of this Act as aforeſaid, ſuch Juſtice may commit him to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, until he ſhall make and give a true and perfect Account, and verify the ſame in Manner aforeſaid, and ſhall produce and deliver up the Vouchers relating thereto, and ſhall have paid the Money (if any) remaining in his Hands as aforeſaid, according to the Directions of the ſaid Truſtees, or compounded with the ſaid Truſtees for ſuch Money, and paid ſuch Compoſition according to their Direction, or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or have given Satisfaction to the ſaid Truſtees concerning the ſame, which ſaid Compoſition the ſaid Truſtees are hereby empowered to make and receive, but no ſuch Officer who ſhall be committed on Account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Six Calendar Months; and the ſaid Truſtees ſhall and may, out of the Money ariſing by virtue of this Act, make ſuch Allowance to every ſuch Clerk, Collector, Surveyor, and other Officer, for or in reſpect of his Care and Pains in the Execution of his Office, and to ſuch other Perſons as ſhall have been employed in the Execution of this Act, as to the ſaid Truſtees ſhall ſeem reaſonable; but no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees, who ſhall ſell any Wine, Ale, Spirituous

No Victualler to hold any Place of Profit.

Officers to give Security.

Spirituous Liquors, or Provisions by Retail: Provided always, that the said Trustees shall and are hereby required to take such Security from every such Treasurer and other Officer to be appointed for the Purposes of this Act, for the due Execution of his Office, as they shall think proper.

Trustees may erect Turnpikes.

VII. And be it further enacted, That the said Trustees shall, and are hereby authorized and required to cause such Turnpikes to be erected upon or across the said Roads, and upon or near the Sides thereof, across any Lanes or Ways leading into the same, as they shall think proper, and also a Toll House adjoining or near to every such Turnpike, and from Time to Time to remove or alter the same, as they shall think meet or expedient, and may, if they think proper, cause a sufficient Piece of Ground for a Garden to be set out and enclosed to every such Toll House; and such Tolls shall be demanded and taken at such of the said respective Turnpikes or Toll Gates which shall be erected upon or across any Part of the said Roads, before any Horse or other Beast or Cattle shall be permitted to pass through the same, as the said Trustees shall from Time to Time order and direct, not exceeding the Tolls following; (that is to say,)

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage whatsoever, the Wheels whereof shall be of the Breadth of Nine Inches or upwards, Three-pence; of the Breadth of Six Inches and under Nine Inches, Four-pence; and of less Breadth than Six Inches, Sixpence:

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

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

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

Double Toll on *Sundays*.

VIII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and required on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take for every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs, or Swine, Double the Toll or Sum which may be demanded or taken for the same respectively on any other Day by virtue of this Act.

Tolls vested in the Trustees, and Manner of Recovery.

IX. And be it further enacted, That the said respective Tolls shall be and 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 to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector to seize and distrain any Horse, or other Beast or Cattle, upon which any such Tolls are by this Act imposed, belonging to any Person or Persons so neglecting or refusing or 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

Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or other Beaſt or Cattle ſo ſeized and diſtrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted.

Tolls to be paid but Once a Day.

X. Provided always, and be it further enacted, That no Perſon ſhall be liable to pay Toll more than Once for paſſing or repaſſing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Horſe or other Beaſt or Cattle, through any one of the Turnpikes to be erected by virtue of this Act; but that every Perſon, after having paid Toll Once, and producing a Note or Ticket denoting ſuch Payment, ſhall afterwards be permitted to paſs with every ſuch Horſe, Beaſt, or other Cattle, Toll-free during ſuch Day, through the reſpective Turnpikes or Turnpike where ſuch Payments or Payment reſpectively were or was made, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*, on Receipt of the Toll.

Tolls may be compounded for.

XI. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered, from Time to Time as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, or Places, near to or through which the ſaid Roads hereby directed to be made and repaired do lead, for the paſſing of their Horſes, and other Beaſts or Cattle through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act, which Compoſition Money ſhall be paid in Advance, and in Default thereof the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall be void.

Exemptions from Toll.

XII. Provided always, and be it further enacted and declared, That no Perſon ſhall be charged with or ſubject to the Payment of any of the ſaid Tolls, for or in reſpect of any Horſes, or other Beaſts or Cattle, employed in drawing or conveying any Stones, Gravel, or other Materials for repairing the ſaid Roads, or any Roads or Highways within any of the Pariſhes or Townſhips through which the ſaid Roads lead; or employed in carrying or conveying any Dung, Mould, Compoſt (Lime only excepted) or other Manure for manuring and improving of Land; or carrying or conveying any Graſs, Hay, Straw, Fodder, or Corn in the Straw not ſold or diſpoſed of, to be laid up or placed in the Outhouſes or Barns, or upon the Lands of the Owners or Proprietors thereof; or for any Horſes or Beaſts of Draught going to or returning from, or in conveying any Ploughs, Harrows, or other Implements of Huſbandry, belonging to or employed by any Owners or Occupiers in the Management of any Farm or Lands; or for or in reſpect of any Horſes, Cattle, or Sheep, going to or returning from Paſture or Watering Places, or Horſes going to or returning from being ſhoed or farried; or for any Horſes or other Beaſts employed in conveying, from one Part of this Kingdom to another, the Mail or Packet which ſhall be made up under the Authority or Direction of His Majeſty's Poſtmaſter General, or his Deputy or Deputies; or for or in reſpect of any Horſes belonging to any of the ſaid Inhabitants going

to

to or returning from any Church, Chapel, or other Place of religious Worſhip, to which they uſually reſort on *Sundays* or on any other Days on which divine Worſhip is ordered by Authority to be celebrated, or attending the Funeral of any Perſon who ſhall die and be buried within any of the ſaid Pariſhes or Townſhips; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from viſiting his ſick Pariſhioners; or for any Horſes belonging to Officers or Soldiers upon their March or upon Duty, or for any Horſes or other Beaſts or Cattle 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 Horſes carrying or conveying Vagrants ſent by legal Paſſes; or for the Horſes of any Perſon or Perſons going to or returning from any Election of a Knight of the Shire to ſerve in Parliament for the County of *Derby*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for every ſuch Offence.

Penalty on evading Tolls.

XIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall with any Horſe or other Beaſt or Cattle whatſoever, paſs through any Land or Ground adjoining to or lying near any Turnpike to be erected by virtue of this Act, the ſame not being a publick Highway; or if the Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, or other Beaſt, or Cattle, to paſs through the ſame, whereby the Payment of any of the ſaid Tolls ſhall be avoided; or if any Perſon ſhall give to or receive from any Perſon, other than the ſaid Collectors of the ſaid Tolls, any Ticket by this Act directed to be given by the ſaid Collectors, or ſhall forge or counterfeit any ſuch Ticket, or make uſe of any ſuch forged or counterfeited Ticket, knowing the ſame to be forged or counterfeited, with the Intent that the Payment of any of the ſaid Tolls ſhall be avoided; or if any Perſon ſhall forcibly paſs through any of the ſaid Turnpikes or Toll Gates, with any Horſe, or other Beaſt or Cattle, without Payment of the Tolls for the ſame, or ſhall take off or cauſe to be taken off any Horſe, or other Beaſt or Cattle, from any Carriage, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Roads, any Horſe, or other Beaſt or Cattle, or any Goods, with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; whereof One Moiety ſhall be paid to the Informer.

Tolls may be let.

XIV. And be it further enacted, That the ſaid Truſtees ſhall and may, and they are hereby empowered, by Writing under their Hands and Seals, at any Time or Times to ſet, demiſe, and to farm let the Tolls by this Act granted, or any Part thereof, unto any Perſon or Perſons who ſhall be willing to take and farm the ſame for any Term not exceeding Three Years (Twenty Days Notice of the Intention of ſuch letting or ſetting being given in ſome Newſpaper publiſhed or circulated within the ſaid County, and alſo upon the Turnpikes or Toll Gates which ſhall be ſtanding

ing upon or acroſs the ſaid Roads) for the beſt Rent they can get for the Tolls, to be payable Quarterly or Monthly in Advance to the ſaid Truſtees, or to their Treaſurer, with ſuch Covenants therein to be contained, as the ſaid Truſtees ſhall think proper and requiſite.

For borrowing Money.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees 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 (the Charges of ſuch 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 Repayment of the ſeveral Sums that ſhall be ſo borrowed, with the Intereſt thereof, which Aſſignments ſhall be according to the Form following; *(videlicet)*,

Form of Aſſignment.

'BY virtue of an Act, made in the Forty-fourth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*] We, Five or more of the Truſtees for carrying the ſaid Act into Execution, in Conſideration of the Sum of to the Treaſurer of the Roads, by the ſaid Act directed to be made and amended, in Hand paid by Do hereby grant, bargain, ſell, and demiſe unto the ſaid 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 this 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'

And Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed after the firſt Meeting, unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the ſaid County, and alſo upon the Turnpikes or Toll Gates which ſhall be then ſtanding in, upon, or acroſs the ſaid Roads, at leaſt Fourteen Days before the borrowing thereof, and all Mortgages which ſhall be made in the Manner and Form aforeſaid ſhall be good, valid, and effectual, to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages 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 to the Principal and Intereſt thereby ſecured to any Perſon or Perſons whomſoever; all which Transfers or Aſſignments ſhall be produced and notified to the ſaid Clerk, 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 Two Shillings and Sixpence, and no more; and after ſuch Entry, 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 and Payment thereon; and it ſhall not be in the Power of any Perſon making any ſuch Transfer to make void, releaſe, or diſcharge

charge the ſame, or any Monies thereby 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 in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Monies, or the Dates of ſuch Aſſignments.

Application of Money.

XVI. And be it further enacted, That out of the firſt Monies which ſhall be borrowed upon the Credit of this Act, the ſaid Truſtees ſhall in the firſt place pay and diſcharge all the Charges and Expences incident to and attending the obtaining and paſſing of this Act, together with Intereſt for ſuch Sum or Sums of Money as may neceſſarily be advanced by any Perſon or Perſons on Account thereof, from the Time of advancing the ſame to the Time of Payment thereof; and after Payment, Satisfaction, and Diſcharge thereof, all the Money which ſhall ariſe by virtue of this Act ſhall from Time to Time be applied in erecting Turnpikes, Toll Gates, and Toll Houſes, and in making, amending, widening, altering, or improving the ſaid Roads, in defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Materials.

XVII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, or for any other Perſon or Perſons by him or them, or by the ſaid Truſtees for that Purpoſe employed, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing the ſaid Roads, in, upon, or out of or from any Waſte or Common Ground, or from any River or Brook in any Pariſh or Place in, adjoining to, or lying near the ſaid Roads, or any of them, or in any neighbouring Pariſh or Place to be uſed in making and repairing the ſaid Roads, without paying any Thing for the ſame, ſuch Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo, by Order of the ſaid Truſtees, to cut, dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, and from or over the private Lands or Grounds of any Perſon or Perſons to be uſed in or towards the making and repairing of the ſaid Roads (ſuch private Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or incloſed Ground, planted as an Avenue or Nurſery for Trees) paying or tendering Payment of ſuch Rates or Sums of Money for ſuch Materials, and for the Damage which ſhall be done to the Owners or Occupiers of the private Lands and Grounds where and from whence the ſame ſhall be digged, gathered, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Ground, common River, or Brook, ſhall be conveyed, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between any ſuch Owners and Occupiers as aforeſaid and the ſaid Truſtees, touching the Damage aforeſaid, the Juſtices of the Peace at the General Quarter Seſſions to be holden for the ſaid County, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall upon Application for that Purpoſe by or on Behalf of either Party, hear, ſettle, and determine the Matter of ſuch Payment and

and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to the Parties: Provided nevertheleſs, that it ſhall not be lawful for any Perſon under the Authority of this Act, to dig, gather, and take away Materials for the Purpoſe aforeſaid from any incloſed Land, until Notice in Writing, under the Hands of any Five or more of the ſaid Truſtees, ſhall have been given to the Occupier of ſuch Lands or Grounds, or left for him or her at his or her uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them, or Two Juſtices of the Peace for the ſaid County, at ſuch Time and Place as ſhall be mentioned in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend, purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, if they think fit, after having heard the Matter, authorize any ſuch Perſon as aforeſaid to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as the ſaid Truſtees or ſuch Juſtices ſhall think proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, in like Manner, and the ſame ſhall be as effectual as if the Occupier or his or her Agent had attended; and the ſaid Juſtices ſhall and may adminiſter Oaths and award Coſts, in like Manner as herein-after mentioned in Caſes of Differences in the Valuation of Lands to be taken and uſed for the Purpoſes of this Act.

Annoyances to be removed.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, having an Order from the ſaid Truſtees, from Time to Time to remove, take, and carry away all Annoyances by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and alſo all Obſtructions by Gates, or otherwiſe, upon any Part of the ſaid Roads (except the Turnpikes or Toll Gates to be erected by virtue of this Act) and to cut down, lop, or top any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, in caſe the Owners or Occupiers ſhall neglect to cut down, lop, or top ſuch Trees or Buſhes, or to remove ſuch Annoyances for the Space of Twenty-one Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof to be ſettled by the ſaid Truſtees by Writing under their Hands, ſhall be reimburſed and paid to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers ſo neglecting to cut down, lop or top the ſaid Trees or Buſhes, or to remove ſuch Annoyances as aforeſaid, and in Default of Payment thereof upon Demand, the ſame ſhall be levied and recovered in ſuch Manner as any Penalty or Forfeiture for Offences againſt this Act is herein-after directed to be levied and recovered; and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in like Manner, or if any Perſon or Perſons ſhall ſet, place, or lay down any Waggon or other Cart or Carriage, or any Timber, Hay, Straw, Dung, or any other Matter or Thing whatſoever, upon the ſaid Roads or any Part thereof, ſo as thereby or otherways wilfully to obſtruct or impede the free Paſſage on any Part of the ſaid Roads, or if any Perſon or Perſons ſhall turn out any Horſes, Cows, or other Cattle, Mules, Aſſes, or Swine upon the ſaid Roads hereby directed to be repaired, or any Part thereof, or into the Lanes or Ditches adjoining the ſame, every Perſon ſhall for every ſuch Offence forfeit and pay

pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered as herein-after mentioned.

Ditches, &c. to be cleansed.

XIX. And be it further enacted, That if any Person or Persons who of Right ought to widen, deepen, scour, or cleanse any Ditch, Drain, or Watercourse lying in or over, or leading into or out of the said Roads, shall not in a proper Manner widen, deepen, scour, or cleanse any such Ditch, Drain, or Watercourse, or cause the same to be done within the Space of Twenty-one Days after Notice in Writing under the Hand of any such Surveyor as aforesaid shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their Place or Places of Abode, by Order of the said Trustees, the said Surveyor may and is hereby authorized and empowered to cause such Ditch, Drain, or Watercourse to be widened, deepened, scoured, and cleansed, and to pay for the scouring and cleansing the same; and if such Person or Persons shall not repay the Money so paid by such Surveyor, on Demand thereof upon him, her, or them, made either in Person or by Writing, to be left at his, her, or their Place or Places of Abode, such Money shall and may be levied and recovered in the like Manner as any Penalty or Forfeiture for Offences against this Act is herein-after directed to be levied and recovered.

Causeways, *etc.* may be made.

XX. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors as aforesaid, and such Person or Persons as shall or may be appointed by Order of the said Trustees, to make or cause to be made Footways in or along the Sides of the said Roads, and to cut or make Drains or Watercourses through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair Arches of Stone or other Materials, and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors shall adjudge necessary for the better amending the said Roads, and keeping the same in good Repair; and also to make a temporary Way or Passage through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Carriages, or otherwise as a Road whilst the old narrow or ruinous Road is repairing and widening, and until the same shall be made convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Watercourse, or on which any such Arch or Bridge, or through, over, and along which any such temporary Way or Passage shall be made for the Damage which he or she shall or may thereby sustain, as shall be agreed upon between the said Trustees and such Owner or Occupier, or (in case of any Difference concerning the same) as shall be assessed and adjudged by the Justices of the Peace at the then next General Quarter Sessions of the Peace which shall be holden in the said County, on the like Notice and in like Manner as herein-before mentioned, in case of any Dispute respecting Materials being got out of and from any private Lands or Grounds.

Power to widen, &c. the Road.

XXI. And be it further enacted, That the said Trustees may and are hereby empowered to make, divert, widen, turn, and alter the Course of any

any Part or Parts of the ſaid Roads through or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame, and alſo upon, over, or through any private Lands or Grounds, firſt making Satisfaction to the Owners of and Perſons intereſted therein for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall and may be lawful for the ſaid Truſtees to contract and agree with the Owners of and Perſons intereſted in any ſuch Lands or Grounds for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted therein, or any of them, ſhall and may anywiſe ſuſtain by ſuch making, widening, turning, or altering the Courſe of any Part of the ſaid Roads through ſuch Lands; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Grounds, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to exchange with, ſell, and convey to the ſaid Truſtees, all or any of ſuch Lands or Grounds as Occaſion ſhall be or require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law, to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for whatever they ſhall do by virtue or in purſuance of this Act.

Value of Land to be aſcertained by a Jury.

XXII. And be it further enacted, That if any ſuch Body Politick or Corporate, or other Owners of or Perſon or Perſons intereſted in any ſuch Lands or Grounds as aforeſaid, or any ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees, ſhall refuſe to treat, or ſhall not agree for the Sale of any ſuch Lands or Grounds, or for their Intereſt therein, or by reaſon of Abſence ſhall be prevented from treating, the ſaid Truſtees ſhall within Ten Days at the leaſt before any General Quarter Seſſions of the Peace to be holden for the ſaid County, cauſe Notice in Writing to be given to ſuch Owners or Perſons intereſted, Feoffees, Executors, Adminiſtrators, or Guardians, and other Truſtees reſpectively, or to the principal Officer of any ſuch Body Politick or Corporate, or to be left at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds intended to be purchaſed, purporting that the Value thereof will be adjuſted and ſettled by a Jury at the ſaid Seſſions, then and in every ſuch Caſe the Juſtices at ſuch Seſſions, upon Proof made to them of ſuch Notice having been given or left as aforeſaid, are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt Men, to be there impannelled and returned by the Sheriff of the ſaid County, without Fee or Reward, and cauſe them to be ſworn well and truly, on their Oaths, to aſſeſs the Value of the Lands or Grounds mentioned or deſcribed in the ſaid Notice, and the Damages or Recompence to be given for the ſame or ſuch Part or Parts thereof as ſhall be intended to be taken and uſed for the Purpoſes of this Act, to the reſpective Owners and Perſons intereſted, according to their reſpective Intereſts therein, and the ſaid Truſtees and all Perſons intereſted ſhall have their lawful Challenges againſt any of the ſaid Jury when they come to be ſworn; and the ſaid Jury being ſo ſworn and

charged as aforesaid, and after proper Evidence on Oath to them given (which Oath and also the Oath to the said Jury the said Justices are hereby authorized and required to administer), concerning the Nature, Quantity, and Value of such Lands or Grounds, or such Part or Parts thereof as aforesaid, and also after having viewed the Place in question (if judged necessary by the said Justices in Sessions assembled, on the Application of the said Trustees or any of the Parties interested) shall by their Verdict assess, declare, and ascertain the Quantum of the Damages and Recompence to be given for the same to such respective Owners and Persons, according to their respective Interests therein; and such Verdict of the said Jury shall be final, binding, and conclusive to the said Trustees, and to all Persons and Parties interested in the said Lands or Grounds, and the said Justices shall and may award Costs to either Party, as in their Discretion shall seem meet.

On Payment of the Purchase Money, Lands may be made use of.

XXIII. And be it further enacted, That all Sums of Money so assessed as aforesaid, shall be, and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, whose Lands or Grounds as aforesaid shall be laid into and made Part of the said Roads, and shall to all Intents and Purposes whatsoever, become and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Roads for ever, and shall be repaired and kept in Repair, by such Ways, Means, and Methods, and in all Respects in such Manner as the High Roads within the Parish or Place where such Lands or Grounds are situated are by Law and this Act to be kept in Repair, and all Parties and Persons shall, for ever thereafter be divested of all Right and Title to such Lands or Grounds; and after any such new Road shall be completed in lieu of any old Road, the Ground constituting the former Road (unless leading to some Village, Town, or Place to which such new Road doth not lead) shall be vested in, and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repairs of the Roads hereby intended to be made and repaired; and the Person or Persons over whose Lands or Grounds such new Road shall be made in lieu of any old Road shall have the Preference in purchase of the old Road so to be sold as aforesaid, and the Conveyance to be made of such Ground being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in the Law, to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of or entitled to in the former Road, in lieu whereof such Road shall be made: Provided always, that in widening, turning, or altering the Course of any Part of the said Roads, nothing shall be done which shall or may in anywise damage or injure any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House or Plantation, or Nursery planted with Trees, on or before the First Day of *January* One thousand eight hundred

dred and four, unleſs the Owner or Proprietor thereof ſhall conſent in Writing thereto.

Application of Compenſation where amounting to 200*l.*

XXIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity as in this Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation ſhall be leſs than 200*l.* and exceed 20*l.*

XXV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, 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 Hereditaments ſo purchaſed,

purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee, or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands) be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

XXVI. 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 and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee and Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Money allowed for Lands, *etc.* purchaſed, how to be charged and tendered, *etc.*

XXVII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch 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 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 ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court, 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 Publick Funds, or to order Diſtribution thereof in Payment of the Dividends 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, mentioning and ſpecifying for what, and for whoſe Uſe the ſame is

or

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

Reſpecting diſputed Titles.

XXVIII. 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 or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands 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 or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands 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 to be purchaſed with ſuch Money, and alſo the Capital of ſuch 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery to direct the Payment of Expences.

XXIX. 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 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 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.

Property of Turnpikes, *etc.* veſted in Truſtees.

XXX. And be it further enacted, That the Right and Property of and in all and every the Turnpikes, Toll Houſes, and Buildings, and alſo all Walls, Rails, Stiles, Poſts, and Fences which ſhall belong to the ſaid Roads hereby directed to be made and repaired, and alſo all Tools, Implements, Stones, Gravel, and other Materials, to be purchaſed, gotten, or had for repairing the ſaid Roads hereby directed to be made and repaired, ſhall be and are hereby veſted in the ſaid Truſtees, and they are hereby authorized and empowered to diſpoſe of the ſame as they ſhall think fit, or to bring, or cauſe to be brought, any Action or Actions, or to prefer and proſecute, or order to be preferred and proſecuted any Indictment or Indictments in the Name or Names of any One or more of them, or of their Treaſurer or Treaſurers, Clerk or Clerks, againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy any of the ſaid Turnpikes, Toll Gates, or Toll Houſes, or any of the Materials and Things aforeſaid, or who ſhall

disturb the said Trustees, or any Person employed by them in the Possession thereof.

Statute Work.

XXXI. Provided always, and be it further enacted, That all Persons who by Law are liable to do Statute Work, within the respective Parishes or Places, where the Roads hereby directed to be made, widened, altered, or repaired, or any Part or Parts thereof, are situated, shall be liable to the Repair thereof in like Manner as they are to the Repair of the other Highways within their respective Parishes or Districts; and it shall and may be lawful to and for any Two or more Justices of the Peace of the said County of *Derby*, and they are hereby empowered and required, upon Application made to them by the said Trustees yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads hereby directed to be made, widened, altered, and repaired by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurers or Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force or effect for the Repair of the Publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads hereby directed to be made, amended, widened, and repaired, as the said Justices shall think reasonable, and the same shall be done on such Days and on such Times (not being Haytime or Harvest) and in such Parts of the said Roads 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 Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose by any Surveyor

Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject and liable to by any Law or Statute in force and effect for the Repair of the Publick 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 Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work in any Parts of the ſaid Roads, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Roads, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads ſhall lie and be ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole 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 Roads, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding to the Treaſurer of the ſaid Truſtees in advance, on or before the Firſt Day of *March* in each and every Year, or otherwiſe the Inhabitants or Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Road to be meaſured.

XXXIII. And be it further enacted, That the ſaid Truſtees are hereby empowered to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up on the Sides thereof, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place as they ſhall think fit; and may alſo, if they think fit, erect Poſts at the ſeveral Roads leading out of the Roads hereby directed to be made and repaired, with Inſcriptions thereon, denoting to what Place or Places the ſaid Roads reſpectively lead; and may alſo cauſe the Name of every Town or Village upon the ſaid Roads to be painted in White Letters upon a Black Ground, or White Ground with Black Letters, on ſome conſpicuous Part of ſome Houſe or other Building, at each End of every ſuch Town and Village; and if any Perſon or Perſons ſhall wilfully break, pull down, dig up, injure,

jure, or deſtroy any ſuch Stones or Poſts, or eraſe, obliterate, or deface any of the Inſcriptions thereon, or any Inſcription upon any Houſe or other Building as aforeſaid, or cauſe or procure the ſame to be done, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer.

Penalty on dragging Timber, *etc.*

XXXIV. And be it further enacted, That if any Perſon ſhall cauſe to be haled or drawn upon any Part of the ſaid Roads any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of the ſaid Roads to the Prejudice thereof, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Proceedings of the Truſtees to be entered.

XXXV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in the Execution of this Act, ſhall from Time to Time be entered in a Book to be kept for that Purpoſe, and ſigned by the ſaid Truſtees making the ſame or their Clerk, and the ſame being ſo ſigned ſhall be taken and deemed to be Originals; and the ſaid Book and alſo the Book directed to be kept for regiſtering the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced and read in Evidence, in all Courts whatſoever.

Penalty on aſſaulting Perſons in the Execution of this Act.

XXXVI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, the Collectors of the Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Perſon or Perſons employed by them, or either of them reſpectively, or by the ſaid Truſtees, or any of them, in the Execution of any Part of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds, nor leſs than Forty Shillings.

Recovery of Penalties.

XXXVII. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid County, or where the Offenders ſhall be or reſide, either by the Confeſſion of the Party or Parties, or by the Oath of any credible Witneſs, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby authorized and required to grant for thoſe Purpoſes, and alſo to adminiſter ſuch Oath *gratis*) and the Overplus after ſuch Penalties and Forfeitures are recovered, and the Charges of levying and recovering the ſame ſhall have been deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels, and all ſuch Penalties and Forfeitures (where not otherwiſe directed to be applied by this Act) ſhall from Time to Time be paid to the Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby authorized and required by Warrant under his

his Hand and Seal; to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction or common Gaol, there to remain without Bail or Mainprize for any Time not exceeding Three Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Form of Conviction.

XXXVIII. And be it further enacted, That all and every the Juſtice or 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 according to the following Form of Words; *(videlicet)*,

'County of } BE it remembered, That on the Day
' of in the Year of our Lord
' is convicted before of His Majeſty's
' Juſtices of the Peace for the ſaid County, by virtue of an Act, paſſed in
' the Forty-fourth Year of the Reign of King *George* the Third, intituled,
' [*ſet forth the Title of the Act, and ſpecify the Offence, and when and where*
' *committed*]. Given under our Hands and Seals [*or*, my Hand and Seal]
' the Day and Year firſt above written.'

Appeal.

XXXIX. 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, and for which no particular Method of Relief hath been already appointed, ſuch Perſon or Perſons may within the Space of Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County, every ſuch Appellant firſt giving or cauſing to be given Fourteen Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Five Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace of ſuch County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, or at ſome Adjournment thereof, upon due Proof of ſuch Notice being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of every ſuch Appeal, in a ſummary way, and award ſuch Coſts to the Party appealing or appealed againſt, as the ſaid Juſtices ſhall think proper, and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive.

Diſtreſs not to be deemed unlawful for want of Form.

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

Proceedings not to be quashed for want of Form.

XLI. And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for want of Form only, or removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*.

Bar Keepers competent Witnesses.

XLII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise concerning the said Tolls, or the Recovery thereof, 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 be, and they and each of them are and is hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being such Collector or Collectors.

Payment of Subscriptions to be enforced.

XLIII. And be it further enacted, That the several Persons who have subscribed or shall subscribe Money towards the making, amending, and repairing the said Roads, or for or towards defraying the Expences of obtaining and passing this Act, shall and are hereby required to pay the respective Sums so subscribed to the Treasurer to the said Trustees, within such Time or Times, and in such Parts and Proportions as the said Trustees shall order and direct; and in Default thereof it shall be lawful for the said Trustees to sue for and recover the same in the Name of their Treasurer or Clerk, in any of His Majesty's Courts of Record by Action of Debt, or upon the Case.

For putting under the Care of the Trustees of this Act, a certain Piece of Road now belonging to the *Nottingham* and *Newhaven* Trust.

XLIV. And whereas Part of the said Branch of Road hereby authorized to be made, up the Valley between the *Griffe* and *Ible* to *Newhaven*, would be more conveniently made, if the same were to communicate with a certain Part of the Road leading from *Nottingham* to *Newhaven*, on the Eastwardly Side of a Toll Gate erected thereon, called *Pikehall Gate* (being about Two Miles and a Quarter in Length, of the most Northwardly Part of the Roads directed to be repaired by several Acts, made in the Thirty-second Year of the Reign of His late Majesty, and in the Twentieth and Thirty-ninth and Fortieth Years of His present Majesty, for repairing and widening the Roads from *Chapel Bar*, near the West End of the Town of *Nottingham* to *Newhaven*, and several other Roads therein mentioned, in the Counties of *Nottingham* and *Derby*): And whereas it has been agreed between the Trustees of the said *Nottingham* and *Newhaven* Road, and the Subscribers to the said intended new Roads, that the said Piece of Road shall be made Part of the Roads hereby directed to be repaired, and that the same and the said Turnpike now standing thereon, called *Pikehall Gate*, shall be vested in the Trustees for executing this Act, on a proper Compensation being made to the said *Nottingham* and *Newhaven* Trustees; be it therefore further enacted, That, from and after the Twenty-fourth Day of *June* One thousand eight hundred and five, the said Part of the said *Nottingham* and *Newhaven* Road, from the said Junction, shall be vested in the Trustees for putting this Act in Execution, and deemed Part of the Roads to be repaired by this Act, and shall be under the sole Management and Direction of the said Trustees for putting this Act in Execution; and that the said Turnpike, called *Pikehall Gate*, and the Premises now erected adjoining thereto, and also all Posts, Rails, Materials, and all other Matters and

and Things ſituate or being upon or on the Sides of the ſame Piece of Road, are hereby veſted in the Truſtees for putting this Act in Execution, any Thing in the ſaid recited Acts to the contrary hereof notwithſtanding.

Truſtees of this Act to pay 60*l.* to the Treaſurer of the *Nottingham* and *Newhaven* Road for *Pikehall Gate*, &c.

XLV. And whereas the Sum of Sixty Pounds is adjudged a proper Compenſation for the ſaid *Pikehall Gate* and Premiſes aforeſaid, and for all Sums of Money which have been expended on ſuch Part of the ſaid Road; be it therefore further enacted, That the Truſtees appointed to put this Act in Execution ſhall and are hereby required, on or before the Twenty-fourth Day of *June* One thouſand eight hundred and ſix, to pay to the Treaſurer to the Truſtees of the ſaid *Nottingham* and *Newhaven* Roads the Sum of Sixty Pounds; which ſaid Sum is hereby declared to be in full for the ſaid *Pikehall Gate*, and for the Toll Houſe and Premiſes thereto belonging, and alſo for all Poſts, Rails, and all other Things whatſoever belonging to the ſaid Truſtees, in anywiſe relating to the ſaid beforementioned Part of the ſaid Roads, and for all Money by them expended thereon.

And alſo an Annual Sum of 60*l.*

XLVI. And whereas an Annual Sum of Sixty Pounds is adjudged to be a proper Compenſation to the Truſtees of the ſaid *Nottingham* and *Newhaven* Roads, for the Loſs they will ſuſtain by giving up the Tolls they receive at the ſaid *Pikehall Gate*; be it therefore further enacted, That the ſaid Truſtees for putting this Act in Execution, or any Five or more of them, ſhall and they are hereby required, Yearly and every Year, to pay or cauſe to be paid to the Treaſurer for the Time being to the Truſtees appointed to put the ſaid recited Acts in Execution, the Annual Sum of Sixty Pounds, free and clear of and from all Deductions whatſoever, which ſaid Annual Sum ſhall be paid to the ſaid Treaſurer on or before the Twenty-fourth Day of *June* in every Year, the firſt Payment thereof to begin and be made on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and ſix: Provided always, That in caſe the ſaid Sum of Sixty Pounds for the ſaid Toll Houſe and Premiſes, or the ſaid Annual Sum of Sixty Pounds, or any Part thereof, ſhall be behind and unpaid for the Space of Twenty-eight Days next after the Day on which the ſame ſhall be due and ought to be paid as aforeſaid, that then it ſhall and may be lawful to and for the Truſtees appointed for putting the ſaid recited Acts in Execution, or any Perſon or Perſons to be appointed by Writing under the Hands and Seals of any Five or more of them, from Time to Time to enter and take Poſſeſſion of all, every, or any Gate or Gates, Turnpike or Turnpikes, with the Outhouſes and other Buildings and Appurtenances thereto belonging, to be erected, made, or continued in purſuance of this preſent Act, and to receive and take the Tolls or Duties by this Act granted or payable, until thereby or therewith the ſaid reſpective Sums, and all Arrears thereof, together with ſo much thereof as ſhall become due during ſuch Poſſeſſion and all neceſſary Coſts and Charges attending ſuch Entry and Collection ſhall be fully paid, ſatisfied, and diſcharged, but no longer.

How the ſaid Sums may be recovered, if not regularly paid.

A Turnpike to remain at *Pikehall Gate*, &c.

XLVII. Provided always, and be it further enacted, That the preſent Gate, or ſome other Gate or Turnpike, ſhall always be kept ſtanding at the ſaid Place called *Pikehall Gate* aforeſaid, and that the like Tolls ſhall always be received at ſuch Turnpike for Horſes, Cattle, Sheep, and Swine, as ſhall from Time to Time be received at any other Turnpike or Gate upon any other Part of the Roads by this Act directed to be made and

XLVIII. Provided

Persons having paid Toll between *Matlock* and *Pikehall*, to pass through *Pikehall Gate*, &c.

XLVIII. Provided always, and be it further enacted, That all Horses, Beasts, Cattle, and Carriages, passing on the said Road leading from *Nottingham* to *Newhaven*, having paid the full Toll at any Toll Gate thereon erected or to be erected between *Matlock* and *Pikehall*, and producing a Ticket of such Payment, shall be allowed to pass Toll-free at the said *Pikehall Gate*, or any other Gate to be erected on the said *Nottingham* and *Newhaven* Road, Westward of such Gate called *Pikehall Gate*.

Limitations of Actions.

XLIX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County of *Derby*, and *not* elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid in any other County or Place than as aforesaid, then the said Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same, as any Defendant hath for Costs of Suit in any Case by Law.

Publick Act.

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

Commencement and Term of this Act.

LI. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the Day on which the Trustees shall hold their First Meeting, and shall be put in Execution, and continue in Force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.

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