ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 123.

An Act to continue the Term, and amend, alter, and enlarge the Powers of an Act of His preſent Majeſty, for repairing the Road from *Heage*, in the County of *Derby*, through *Belper*, to *Duffield*, in the ſaid County. [17th *June* 1814.]

WHEREAS an Act was paſſed in the Thirty-third Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for repairing, widening, altering, and improving the Road from* Heage, *in the County of* Derby, *through* Belper, *to* Duffield, *in the ſaid County*: And whereas the Truſtees appointed in and by virtue of the ſaid recited Act have made great Progreſs in the Execution thereof, and have for that Purpoſe borrowed conſiderable Sums of Money upon the Credit of the Tolls thereby granted, but find that the Money ſo borrowed cannot be paid off, nor can the ſaid Road be properly amended, widened, improved, and kept in ſufficient Repair, unleſs the Term granted by the ſaid recited Act be continued, and the Powers and Proviſions thereof amended, altered, and enlarged; and it is expedient that ſome additional Toll ſhould be granted: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and every the Authorities, Powers, Privileges, Proviſions, Directions, Penalties, Forfeitures, Clauſes, Matters, and 33 G. 3. c. 177. Act continued.

and Things therein contained, (except ſuch as are varied, altered, or repealed), ſhall be and continue in full Force and Effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and reenacted in this Act; but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions herein contained; and which ſhall commence and take Effect immediately upon the paſſing of this Act, and ſhall be in force during the Term hereby granted; and this Act, and the additional Term and the Tolls hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due, or that ſhall hereafter become due, upon the Credit of the ſaid recited Act and this Act, and of all Intereſt due and to grow due thereupon reſpectively.

Additional Truſtees may be elected.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five 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, as directed by the ſaid recited Act reſpecting the Appointment of Truſtees on Vacancies) to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act, in addition to the Truſtees thereby nominated and appointed.

Mortgagees may act.

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

Truſtees in Commiſſion of the Peace may act as Juſtices.

Truſtees may ſue or be ſued in the Name of their Clerk.

IV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer, and that no Action or Suit which ſhall be brought or commenced by or againſt the ſaid Truſtees or any of them, by virtue or on account of the ſaid recited Act or this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act or Default of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees at a Meeting to be held for that Purpoſe; but the Clerk or Treaſurer to the ſaid Truſtees for the Time being ſhall be deemed Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Act or this Act, ſhall be reimburſed and paid out of the Monies to be raiſed by virtue of ſuch Acts, all ſuch Coſts, Charges, and Expences as by the Event of every ſuch Proceeding he ſhall be put to or become chargeable with by Occaſion of his being ſo made Plaintiff or Defendant.

Clerk to be repaid his Expences.

Truſtees may call a Meeting, in caſe the Clerk ſhall omit or

V. And be it further enacted, That in all Caſes where the Clerk or Clerks to the ſaid Truſtees, for want of a ſufficient Number of Truſtees at any Meeting to act or adjourn, ſhall neglect or refuſe to give Notice, or ſhall by any Means be prevented from giving Notice of another Meeting,

according

according to the Directions of the said recited Act, it shall be lawful for any Five or more of the said Trustees, acting in the Execution of the said recited Act or this Act, although not assembled at a Meeting, at any Time or Times after the Space of Fourteen Days after such Neglect, Refusal, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands to be affixed on all the Gates then erected across the said Road, or inserted in the *Derby Mercury*, or in some other Newspaper printed or circulated in the said County, to appoint the said Trustees to meet at some House near the said Road, upon some Day not less than Fourteen Days after the Time such Notice shall be so affixed on the said Gates, or inserted in the said Newspaper, and subject in other Respects to the Directions of the said recited Act.

neglect to do it.

VI. And whereas it is by the said Act of the Thirty-third Year of the Reign of His said present Majesty recited, that *Jedediah Strutt* Esquire had at his own Expence erected and built a temporary Wood Bridge across the River *Derwent*, at the New Mills in the said Act mentioned, and now called *Millford*, for the Use of his Cotton Works and Iron Works there and at *Belper*, over which he had permitted Persons, as well on Foot as on Horseback, and with Horses, Cattle, Carts, and Carriages, to pass and repass at all seasonable Times, upon paying a certain Toll or Sum of Money for such Permission, and had also erected a temporary Toll House at the West End of such Bridge; and that the said *Jedediah Strutt* had also at his own Expence erected and built a Stone Bridge of Two Arches over a certain Cut or Gutter to the said Cotton Works, for the Use of such Works, on the West Side of the said River; and that the said *Jedediah Strutt* was also erecting and building at his own Expence, a permanent Stone Bridge across the said River *Derwent*, on the South Side of and near to the said Wood Bridge, and to communicate with the said Stone Bridge already erected over the said Cut or Gutter; and that it would be an Accommodation to the Public, and much more convenient to carry and make the said Turnpike Road over the said Stone Bridge when the same should be so erected, than over any other Bridge which might be erected over or across the said River at any other Place; and that the said *Jedediah Strutt* had agreed to finish the erecting and building of the said last-mentioned Stone Bridge, and also to make all necessary and proper Wings, Walls, Battlements, and Approaches thereto, together with a permanent Toll House at the East End thereof, and had also agreed to sell and convey, as well the said Stone Bridge already erected, as the said Bridge then erecting, with the Wings, Walls, Battlements, and Approaches thereto respectively, and also the said permanent Toll House when erected, completed, and finished, to the said Trustees named in the said recited Act, and their Successors, or any Five or more of them, for the Use and Benefit of the said intended Turnpike Road, and to become and remain Part of the same Road; and that the said *Jedediah Strutt* had likewise agreed to take Securities upon the Tolls of the said intended Turnpike Road, for all the Monies which he had already laid out or expended, or should or might lay out, expend, or be put unto, in or about the erecting such Stone Bridges, Wings, Walls, Battlements, and Approaches, and the said permanent Toll House, (so that the Monies already expended and to be expended in building and finishing such Stone Bridges, Wings, Walls, Battlements, Approaches, and Toll House, did not exceed in the Whole the Sum of Two thousand five hundred Pounds); it was therefore in and

Certain Bridge, &c. vested in Trustees.

by the ſaid recited Act enacted, that as ſoon as the ſaid Stone Bridge then erecting, and the Wings, Walls, Battlements, Approaches, and Toll Houſe ſhould be completed and finiſhed, together with the proper Eſtimates and Vouchers attending the Expence thereof, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, he the ſaid *Jedediah Strutt* and his Heirs ſhould convey the ſame to the ſaid Truſtees or their Succeſſors, or any Five or more of them, for the Uſe and Purpoſes of the ſaid intended Turnpike Road, and all the Right and Intereſt of the ſaid *Jedediah Strutt* and his Heirs therein; and as a Conſideration for ſuch Conveyance, they the ſaid Truſtees, or any Five or more of them, ſhould and might, and they were thereby authorized and required by Writing or Writings under their Hands and Seals, to mortgage or aſſign over the Tolls ariſing and to be collected as therein-after in the ſaid recited Act mentioned, or any Part or Proportion thereof, (the Coſts and Charges of ſuch Mortgages or Aſſignments to be borne out of the ſaid Tolls) to him the ſaid *Jedediah Strutt*, for any Time or Term during the Continuance of the ſaid recited Act, as a Security for the Monies which he the ſaid *Jedediah Strutt* had already laid out and expended, or ſhould ſo lay out and expend, in or about the erecting and completing ſuch Stone Bridges, Wings, Walls, Battlements, Approaches, and Toll Houſe aforeſaid, (provided ſuch Monies did not exceed in the Whole the Sum of Two thouſand five hundred Pounds), with Intereſt for the ſame after the Rate of Four Pounds *per Centum per Annum*, from the reſpective Times of paying the ſame, after One Calendar Month from the paſſing of that Act; and that both of the ſaid Stone Bridges, with the Wings, Walls, Battlements, Approaches, and Toll Houſe, after the ſame ſhould be completed and finiſhed, and the Conveyance thereof executed as aforeſaid, ſhould from thenceforth become and continue Part and Parcel of the ſaid intended Turnpike Road, and be under the Management and Direction of and kept in Repair by the ſaid Truſtees, in like Manner with any other Part or Parts of ſuch Road: And whereas the ſaid Stone Bridge over the River *Derwent*, and the Wings, Walls, Battlements, Approaches, and permanent Toll Houſe, as well as the ſaid Bridge acroſs the ſaid Cut or Gutter, have been completed and finiſhed; and the Money laid out and expended in or about the erecting and completing the ſame amounted to the Sum of Two thouſand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, for which Intereſt, after the Rate of Four Pounds *per Centum per Annum*, hath been paid for ſeveral Years, up to the Eighth Day of *November* laſt, but the ſame have not yet been conveyed to the ſaid Truſtees, or any of them; be it therefore enacted, That the ſaid Stone Bridges, Wings, Walls, Battlements, Approaches, and permanent Toll Houſe, ſhall, on or before the Firſt Day of *September* next, be conveyed and aſſured unto the ſaid Truſtees acting under the ſaid recited Act and this Act, or their Succeſſors, or any Five or more of them, for the Purpoſes of the ſaid recited Act and this Act, and the ſame ſhall then become and remain for ever a Common Highway or Road; and that at the Time the ſame ſhall be ſo conveyed and aſſured it ſhall and may be lawful to and for the ſaid Truſtees or their Succeſſors, or any Five or more of them, to be preſent at a Meeting to be held for that Purpoſe, and they are hereby authorized and required, by Writing or Writings under their Hands and Seals, to mortgage or aſſign over all and every the Tolls ariſing and to be collected upon the ſaid Road from *Heage* through *Belper* to *Duffield*, and at the ſaid Bridge over the River *Derwent*, by virtue of the ſaid recited Act and this

Act,

Act, or a full and ſufficient Part or Proportion thereof (the Coſts and Charges of ſuch Mortgages or Aſſignments to be borne out of the ſaid Tolls) for the Remainder of the Term in the ſaid recited Act and the Term in this Act mentioned, as a Security to the Perſon or Perſons entitled to the ſaid Sum of Two thouſand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, with Intereſt for the ſame after the Rate of Four Pounds *per Centum per Annum*, from the ſaid Eighth Day of *November* laſt.

VII. And whereas *William Strutt* Eſquire, *George Benſon Strutt* Eſquire, and *Joſeph Strutt* Eſquire, ſeveral Years ago, at their own Expence, made a new Carriage Road for their own private Uſe, branching out of the ancient Highway, near the *Poſt Bridge*, and extending over divers Parcels of their Lands in *Belper* aforeſaid, called *Swallow*, *Ford Lane*, *Turnip Pingles*, *Three Gates Cloſe*, *Greenlane Pingle*, *Badger Yield*, and *Butler's Paſture*, and communicating with the ſaid Turnpike Road at a Place in the ſaid recited Act mentioned, called *The Beckſitch*, containing Eight hundred and fifty-eight Yards in Length, and Ten Yards in Breadth, or thereabouts, and which coſt the Sum of Six hundred and ninety-nine Pounds Three Shillings and Four-pence; and the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, erected a Toll Gate acroſs the ſaid new Road, and permitted Perſons with Horſes, Cattle, Carts, and Carriages to paſs and repaſs along the ſame at all ſeaſonable Times, upon paying a certain Toll or Sum of Money for ſuch Permiſſion at the ſaid Gate: And whereas it was at a Meeting of the ſaid Truſtees, held on the Twenty-ſixth Day of *February* One thouſand eight hundred and ſeven, ordered by the Truſtees preſent at ſuch Meeting, (by and with the Conſent of the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*), that the ſaid Turnpike Road ſhould be altered and diverted in the Town of *Belper*, and branch out of the ſame near to the Top of a certain Lane there called the *Back Lane*, through certain ancient Incloſures belonging to the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, and others, to the *Poſt Bridge*, and from thence along Part of the ancient Highway in *Belper*, and the ſaid new Road ſo made by the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, to the ſaid Place called *The Beckſitch*, and which hath been diverted accordingly; be it therefore enacted, That the ſaid new Road ſhall, on or before the Firſt Day of *September* next, be conveyed and aſſured by the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, unto the ſaid Truſtees acting under the ſaid recited Act and this Act, or their Succeſſors, or any Five or more of them, for the Purpoſes of the ſaid recited Act and this Act, and the ſame ſhall thereupon be and be deemed to be Part of the ſaid Turnpike Road, and for ever thereafter remain a Common Highway or Road; and that ſo ſoon as the ſame ſhall be ſo conveyed and aſſured, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to be preſent at a Meeting to be held for that Purpoſe, and they are hereby authorized and required, by Writing or Writings under their Hands and Seals, to mortgage or aſſign over all and every the Tolls ariſing and to be collected upon the ſaid Road from *Heage* through *Belper* to *Duffield*, and at the ſaid Bridge over the *Derwent*, by virtue of the ſaid recited Act and this Act, or a full and ſufficient Part or Proportion thereof, (the Coſts and Charges of ſuch Mortgages or Aſſignments to be borne out of the ſaid Tolls), unto the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, for the Remainder of the Term in the ſaid recited Act and the Term in this Act mentioned, as a

Security for the said Sum of Six hundred and ninety-nine Pounds Three Shillings and Four-pence, with Interest for the same after the Rate of Four Pounds *per Centum per Annum*, from the said Eighth Day of *November* last.

That Interest for the Money which the Bridge and New Road cost, shall be paid in preference to the other Mortgagees.

VIII. Provided always, and be it further enacted, (by and with the Consent of all and every Person and Persons who are Creditors of the said Tolls), That such respective Mortgagees or Assignees, in respect of the said Two several Sums of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, and Six hundred and ninety-nine Pounds Three Shillings and Four-pence, shall have a Preference to the other Creditors on the said Tolls, and be paid the Whole of the Interest of such Two Sums respectively, after the Rate aforesaid, so long as such respective Principal Sums shall remain unpaid and unsatisfied, prior to any Payment of Interest or otherwise being made to any other Person or Persons who may have already advanced or may hereafter advance any Sum or Sums of Money upon the Credit of the Tolls arising or to be collected under the said recited Act or this Act, or any Mortgagee or Mortgagees, Assignee or Assignees of such Tolls, or of any Part or Proportion thereof, and although after the Payment of the said Interest of the said Two several Sums of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, and Six hundred and ninety-nine Pounds Three Shillings and Four-pence, nothing may remain for any of the other Creditors, Mortgagees, or other Persons who have advanced or may advance any Sum or Sums of Money on the Credit of such Tolls; and that the Trustees acting in the Execution of the said recited Act or this Act, shall from Time to Time make Order accordingly; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that in case it shall appear, upon any settling of Accounts of the Receipts and Payments in respect of such Turnpike Road, that the Tolls arising and collected by virtue of the said recited Act and this Act, shall be more than sufficient to pay and keep down the Interest of the said Two several Sums of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, and Six hundred and ninety-nine Pounds Three Shillings and Four-pence, after the Rate aforesaid, and also to keep the said Road in proper Repair, and to defray all other Expences incident or relating thereto, and likewise to pay Interest to the several other Persons advancing Monies on the Credit or Mortgage of the said Tolls, after the Rate not exceeding Five Pounds *per Centum per Annum*; that then the said Trustees shall and they are hereby authorized and required from Time to Time, when and as often as such Overplus shall appear, but not otherwise, to pay Interest, after the Rate of Five Pounds *per Centum per Annum*, upon the said Sums of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, and Six hundred and ninety-nine Pounds Three Shillings and Four-pence, in lieu and instead of Interest after the Rate of Four Pounds *per Centum per Annum*: Provided always, that no Preference shall be given in the Payment of the said Principal Sums of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and One Penny, and Six hundred and ninety-nine Pounds Three Shillings and Four-pence, over the other Mortgages of the said Tolls; but that all and every Mortgagee and Mortgagees of the said Tolls shall be on the same Footing in regard to the Principal Monies due on their respective Mortgages.

No Preference to Mortgagees in Payment of Principal Money.

IX. And

IX. And be it further enacted, (by and with the Conſent of all and every Perſon and Perſons who are Creditors of the ſaid Tolls), That it ſhall and may be lawful for the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, and all and every the future Owners and Occupiers of the Cotton Works, Iron Works, or Mills, or of any Part thereof, which are now erected or which may hereafter be erected by the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, their Heirs or Aſſigns, or any of them, at *New Mills* or *Millford*, and at *Belper*, and the Families, Servants, and Work-people of ſuch Owners and Occupiers, and of every of them, to paſs and repaſs at all Times over the ſaid Stone Bridges, and alſo through the ſaid Toll Gate erected at the Eaſt End of the ſaid Bridge over the *Derwent*, and along ſo much of the ſaid Road as lies in or between the Towns of *Duffield* and *Belper*, on Foot and on Horſeback, and with Horſes, Cattle, and Carriages, and alſo for all Horſes, Carts, and Carriages immediately employed by the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, or any or either of them, or by any of ſuch future Owners or Occupiers, in carrying any Kind of Goods or Materials to or from the ſaid Works or Mills now erected or which may hereafter be erected by the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, their Heirs or Aſſigns, or by any or either of them, or any Materials for building for the Uſe of the ſaid *William Strutt*, *George Benſon Strutt*, and *Joſeph Strutt*, their Heirs or Aſſigns, or any or either of them, or of any ſuch future Owners or Occupiers, and the reſpective Drivers of ſuch Horſes, Carts, and Carriages, and for all Perſons employed at, in, or about ſuch Works or Buildings, when going to or returning from or about ſuch Employment, without paying any of the Tolls by the ſaid recited Act or this Act impoſed and intended to be taken.

Meſſrs. Strutt's Families and Work-people to go Toll-free over Bridge at New Mills, and through Toll Gate erected thereat.

X. And whereas it is apprehended that the Tolls granted by the ſaid recited Act will not be ſufficient for the Purpoſes of the ſaid recited Act and this Act, it is therefore expedient that ſome additional Toll ſhould be granted; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees for executing the ſaid recited Act and this Act, or the Perſon or Perſons appointed or to be appointed by them, and he, ſhe, and they is and are hereby authorized and required to demand and take, or cauſe to be demanded and taken, at any Turnpike Gate erected or to be erected by virtue of the ſaid recited or this Act, (over and above the reſpective Tolls granted by the ſaid recited Act), the reſpective additional Tolls following, of the Perſon or Perſons attending any Horſe, Cattle, or Carriage, before any ſuch Horſe, Cattle, or Carriage ſhall be permitted to paſs through any ſuch Turnpike Gate; (that is to ſay),

Additional Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, (except ſuch Carriages as are herein-after deſcribed), the additional Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Wheels thereof of the Breadth of Six Inches or more on the Side or Bottom of the Fellies, and upon which the Tire doth lie flat, or ſo as not to deviate more than a Quarter of an Inch from a flat Surface, and ſhall have the Nails counterſunk ſo as not to riſe above the Surface, the additional Sum of Three Halfpence:

For

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

For every Pair of Mill Stones, or Block of Stone or Timber, drawn by Five or more Horſes or Beaſts of Draught, the additional Sum of Two Shillings and Sixpence:

For every Drove of Oxen or Neat Cattle, the additional Sum of Five-pence *per* Score, and ſo in Proportion for a greater or leſs Number:

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

Double Toll on Sundays.

XI. And be it further enacted, That it ſhall and may be lawful to and for the reſpective Toll Gatherers or Collectors on the ſaid Road, 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) throughout the 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 the ſaid recited Act and this Act.

No more than One full Toll to be taken in any One Day at certain Places.

XII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to empower the ſaid Truſtees to demand or take more than One Toll in any One Day, from any Perſon or Perſons travelling upon the ſaid Roads, between the Town of *Heage* and the Town of *Belper*, nor more than One Toll in any One Day, from any Perſon or Perſons travelling upon the ſaid Roads, between the Town of *Belper* and the Town of *Duffield*, at any Turnpike or Toll Gate erected or ſet up by virtue of the ſaid recited Act or this Act.

Tolls to be veſted in Truſtees.

XIII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, ſhall be and the ſame are hereby veſted in the ſaid Truſtees for putting the ſaid recited Act and this Act into Execution; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, aſſigned, and varied in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies for Nonpayment or Evaſion thereof, and with ſuch Powers, Proviſoes, and Reſtrictions as are contained in the ſaid recited Act with reſpect to the Tolls thereby granted, but ſubject nevertheleſs to this Act, and the Alterations, Proviſions, Regulations, and Reſtrictions herein contained.

If any Toll Houſe becomes uſeleſs, or be ordered to be removed, and Gatekeeper refuſes to deliver up Poſſeſſion;

XIV. Provided always, and be it further enacted, That in caſe any Toll Houſe erected by Order of the Truſtees acting under the ſaid recited or this Act, ſhall become uſeleſs as a Toll Houſe, by reaſon of the ſaid Turnpike Road, or any Part or Branch thereof being altered or diverted, or of ſuch Toll Houſe being ordered to be removed, or another Toll Houſe being erected or ordered to be erected in lieu or ſtead thereof, by the Side of the ſaid Road at a more convenient Place, or otherwiſe, and the Perſon appointed to be Toll-gatherer or Gate-keeper at ſuch Toll Houſe, or the Gate or Gates belonging thereto, ſhall refuſe to deliver up the Poſſeſſion of the Houſe, Buildings, and Appurtenances which he or ſhe enjoyed in right of his or her Appointment to that Office, within Four Days after Notice of his or her Diſcharge ſhall be given to him or her, or left at

ſuch Houſe, or Demand made by the Clerk or Surveyor of the ſaid Road; or if the Wife or Family of any ſuch Tollgatherer or Gatekeeper who ſhall abſcond or die in the Occupation of any ſuch Toll Houſe, ſhall refuſe to deliver up the Poſſeſſion thereof, within Four Days after Demand made by the Clerk or Surveyor, then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice of the Peace for the ſaid County of *Derby*, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe, and to put the Clerk or Surveyor into the Poſſeſſion thereof.

any Juſtice may by Warrant order him to be removed with his Goods.

XV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the Tolls granted by the ſaid recited Act and this Act, or either of them, or the Amount or Recovery thereof, or to the Execution of any of the Powers of the ſaid recited Act, the Perſon or Perſons appointed to collect the ſaid Tolls ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls.

Toll Collectors not incompetent Witneſſes.

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

Penalty on obſtructing the Execution of this Act.

XVII. Provided always, 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 authorized, if they ſhall think fit, to exempt from Payment of all or any Part of the additional Tolls or Penalties for Overweight impoſed and granted by an Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled* 'An Act 'to explain and amend, and reduce into One Act of Parliament, the general 'Laws now in being for regulating of Turnpike Roads in that Part of Great Britain *called* England, *and for other Purpoſes*,' *ſo far as the ſame relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horſes to be uſed in Carriages drawn on Turnpike Roads; and for allowing certain Exemptions with reſpect to Weight and Payment of Tolls in particular Caſes*; every Waggon, Wain, Cart, or other ſuch Carriages as aforeſaid, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches or upwards, and being cylindrical, (that is to ſay), of the ſame Diameter on the Inſide next the Carriage and on the Outſide, ſo that when rolling on a flat Surface the whole Breadth thereof ſhall bear equally on ſuch flat Surface, and that the oppoſite End of the Axletrees of ſuch Carriages, ſo far as the ſame ſhall be inſerted in the Naves of the Wheels, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo that in each Pair of Wheels belonging to ſuch Carriages, the lower Parts which ſhall reſt on the Ground, ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels:

Carriages with Wheels of a certain Deſcription chargeable with leſs.

Provided always, that no such Exemption from additional Tolls or Penalties for Overweight, shall be allowed for or in respect of any such Waggon, Wain, Cart, or other Carriage having the Fellies of such Wheels of Six Inches and upwards in Breadth, and not being Nine Inches in Breadth, and the same being so placed, and the Axletrees so formed as aforesaid, in case such Overweight shall exceed Eight hundred Weight; nor shall any such Exemptions be allowed for any such Waggon, Wain, Cart, or other Carriage having the Fellies of such Wheels of Nine Inches and upwards in Breadth, and not being Sixteen Inches in Breadth, and the same being so placed, and having such Axletrees so formed as aforesaid, in case such Overweight shall exceed Fifteen hundred Weight; nor for any such Waggon, Wain, Cart, or other Carriage having the Fellies of such Wheels of Sixteen Inches and upwards in Breadth, and the same being so placed, and having such Axletrees so formed as aforesaid, in case such Overweight shall exceed Thirty hundred Weight.

Exemption from Tolls.

XVIII. And be it further enacted, That none of the Tolls granted by the said recited Act or this Act, shall be demanded or taken of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships in which any Part of the said Road lies, or for any Horses or other Cattle drawing any Dung, Manure, or Compost for manuring of Lands or Grounds, or for any Hay, Corn in the Straw, or Straw to be laid up in the Houses, Out-houses, Barns, or Yards of the respective Inhabitants or Occupiers of Lands or Grounds, and carried for their own proper Use and Consumption, and not for Sale, or with Seed for seeding the Ground; or for any Horse or other Beast going to or returning from Plough, Pasture, or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his or their Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; save and except at the Bridge at *Millford* in all the aforesaid Cases, or for any Horses or Carriages, of whatever Description, employed or to be 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 back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded,

or

or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in carrying or conveying any Ordnance or Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Horse, Mare, or Gelding 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 Regulations 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 empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Derby*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or 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 Twenty Shillings, One Half whereof shall be paid to the Informer, and the other Half shall be applied to the Purposes of the said recited Act and this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XIX. And be it further enacted, That no Person 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, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the 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 or the said recited Act contained, to the contrary notwithstanding.

For preventing of Nuisances.

XX. And be it further enacted, That if any Person shall ride upon any Footway now made or hereafter to be made adjoining to the said Road, or shall drive any Horses or other Cattle, or any Pigs or Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footway; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage such Road, or any Part thereof, or the Fences, Hedges, Quickets, Backings, or Bankings, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not drive or keep his Carriage on the Left Hand or near Side of the said Road; or if any Person driving or riding upon any Horse or other Beast, carrying Coals,

Milk Cans, Crates, or Panniers, ſhall not keep the ſaid Horſe or other Beaſt on the Left Hand or near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or her Care; or if any Perſon ſhall lay any Hay, Straw, or other Matter or Thing upon any Part of the ſaid Road, to be made into Manure, or ſhall ſcrape off the ſame any Mud or Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, with an Iron Rake, or other Inſtrument with ſharp Points, whereby the ſaid Road or any Part thereof ſhall be damaged; or if the Owner of any Animal which ſhall happen to die on or near the ſaid Road, ſhall ſuffer the Carcaſe thereof to remain there longer than ſhall be neceſſary to remove the ſame; or if any Perſon having the Care of or driving any Waggon, Cart, or other ſuch Carriage upon the ſaid Road, ſhall ſuffer the Horſe or Horſes, or Beaſts of Draught therein, to go faſter than a Walk; or if any Perſon ſhall make, or aſſiſt in making any Fire or Fires commonly called *Bonfires*, or ſhall ſet fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatſoever; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch Carriage longer than may be neceſſary for loading or unloading the ſame, in, upon, or on the Side of any Part of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; every Perſon ſo offending ſhall, upon Conviction before any Juſtice of the Peace for the ſaid County of *Derby*, either upon View, Confeſſion, or Proof, on Oath of One Witneſs, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act; and in caſe ſuch Penalty ſhall not be immediately paid, it ſhall be lawful for ſuch Juſtice, either then or at any Time afterwards, to commit the Offender to the Common Gaol of the ſaid County, there to remain for the Space of One Calendar Month, unleſs the Penalty, together with the Coſts attending the conveying ſuch Offender to the ſaid Priſon, ſhall be ſooner paid.

For repealing a certain Clauſe in former Act as to Payment of Coſts by Perſons prevented by Abſence from treating for the Sale or Exchange of Lands.

XXI. And be it further enacted, That ſo much and ſuch Part of the ſaid recited Act as provides, that in Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees for the Sale or Exchange of his, her, or their Right, Intereſt, or Property in any Lands or Hereditaments, for any Loſs or Damage to be by him, her, or them ſuſtained, by widening, diverting, turning, ſhortening, varying, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands or Hereditaments, One Half of the Coſts and Expences of ſummoning and returning the Jury who ſhall be impannelled to enquire into and aſcertain the Damage and Recompence in ſuch Caſes to be made and the Witneſſes who ſhall be called before ſuch Jury, and of all other Expences attending the hearing and determining of the Difference, ſhall be deducted out of the Purchaſe Money, and the other Half ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, ſhall be and the ſame is hereby repealed; and from and after the paſſing of this Act, in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the Treaſurer to the ſaid Truſtees.

XXII. And

Application of Money awarded above 200l.

XXII. 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 ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other 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 the ſaid recited Act and 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 and with 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 or capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High 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 ſaid Lands, Tenements, and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

XXIII. 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, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees,

Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, 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 Truſtees for executing the ſaid recited Act and 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 Monies, 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 ſaid High Court of Chancery.

Where under 20l.

XXIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act or 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 or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

XXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or 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 in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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 as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid High 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, and to order Diſtribution thereof, or 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

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

In caſe of diſputed Titles.

XXVI. 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 ſaid Accountant General of the High Court of Chancery, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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 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, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High 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, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by the Truſtees.

XXVII. 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 the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and 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 High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid recited Act or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Labour.

XXVIII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Derby*, and they are hereby empowered and required (upon Application

Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, 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 for every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto, it ſhall be lawful 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 Juſtice, at ſome Place to be expreſſed in ſuch Summons (within Eight 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 paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of ſuch Liſts, ſuch Juſtices ſhall or 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 on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or 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 the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall or 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 to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode, for that Purpoſe, ſigned by the Surveyor or Surveyors 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, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the Publick Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove the Perſon who

who ſhall be found idle or negligent as aforeſaid; and in that Caſe, every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and ſhall be applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to detain Perſons guilty of Offences.

XXIX. And whereas Perſons guilty of Offences againſt the ſaid recited Act or this Act, may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under ſuch Acts; be it therefore enacted, That it ſhall be lawful for the Collectors, Surveyors, or other Officers duly authorized by the ſaid Truſtees, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Derby*, without any other Warrant or Authority than this Act for ſo doing; and ſuch Juſtice or Juſtices of the Peace reſpectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of ſuch Offender or Offenders, or to oblige ſuch Perſon or Perſons ſo offending, to give Security for his, her, or their Appearance at the next General Quarter Seſſions of the Peace, to be holden for the ſaid County of *Derby*, and on ſuch Conviction, or for Want of ſufficient Security, to commit the Perſon or Perſons ſo offending to the Common Gaol for the ſaid County of *Derby*, there to remain until he, ſhe, or they ſhall pay the reſpective Penalty by him, her, or them incurred for ſuch reſpective Offence or Offences, or ſhall give ſuch Security as aforeſaid.

For paying the Expences of this Act.

XXX. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid by the Truſtees for executing the ſaid recited Act and this Act, or any Five or more of them, out of any Money already raiſed or received, or to be raiſed or received by virtue of the ſaid recited Act, or out of the firſt Money which ſhall be collected or received by virtue of the ſaid recited Act and this Act, in preference to all other Payments whatſoever, ſave and except the Amount of One-fourth Part of the Annual Receipts, which ſhall go to and be applied by the Surveyor or Surveyors towards repairing and amending the ſaid Road.

Public Act.

XXXI. 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, without being ſpecially pleaded.

Commencement and Continuance of this Act.

XXXII. And be it further enacted, That this Act ſhall commence upon the paſſing thereof, and that the ſaid recited Act (ſubject to the Amendments, Alterations, and Additions in this Act contained) and this Act,

Act, shall continue and be in force and be executed thenceforth for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, 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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