ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxix.

An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing the Road from the North End of the Town of *Derby*, in the County of *Derby*, to *Sheffield*, in the County of *York*, and from *Duffield* to *Wirksworth*, in the County of *Derby*. [20th *June* 1816.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the* White Stoop, *near the North End of the Town of* Derby, *through the Towns of* Duffield *and* Chesterfield *in the County of* Derby, *to the Town of* Sheffield *in the County of* York; *and from the said Town of* Duffield *to the* Moot Hall *in the Town of* Wirksworth, *in the said County of* Derby: And whereas an Act was passed in the Sixteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act for repairing and widening 'the Road from the White Stoop, near the North End of the Town of 'Derby, through the Towns of Duffield and Chesterfield, in the County of 'Derby, to the Town of Sheffield in the County of York; and from the said 'Town of Duffield to the Moot Hall in the Town of Wirksworth, in the said 'County of Derby:' And whereas an Act was passed in the Thirty-fifth Year of the Reign of His said present Majesty, intituled *An Act to enlarge the* 29 G. 2. c. 82. 16 G. 3. c. 83. 35 G. 3. c. 154.

Term and Powers of Two Acts passed in the Twenty-ninth Year of the Reign of His late Majesty King George *the Second, and in the Sixteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the* White Stoop, *near the North End of the Town of* Derby, *through the Towns of* Duffield *and* Chesterfield, *in the County of* Derby, *to the Town of* Sheffield *in the County of* York, *and from the said Town of* Duffield *to the* Moot Hall *in the Town of* Wirksworth, *in the said County of* Derby: And whereas great Progress hath been made in the Execution of the said Three Acts, and a considerable Sum of Money hath been borrowed upon the Credit of the Tolls thereby granted, which Money still remains due, with a considerable Arrear of Interest thereupon, and cannot be repaid, and the said Roads be effectually amended, widened, turned, altered, improved, and kept in Repair, unless the Term of the said Three Acts be further continued, some of the Powers thereof amended, altered, and enlarged, and the Tolls increased; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees have proceeded in the Execution of the said Three Acts.

Term enlarged.

That the said Three several Acts of the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, and of the Sixteenth and Thirty-fifth Years of the Reign of His present Majesty, and all the Powers, Provisions, Matters, and Things therein contained (except such as relate to Exemptions from Stamp-Duties, and such as are hereby repealed), shall be and are hereby continued for the effectually amending, widening, turning, altering, improving, and keeping in Repair the same Turnpike Roads, from the Day of the passing of this Act for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this present Act, but subject nevertheless to the Amendments and Alterations herein contained; and the said Term hereby granted shall be and the same is hereby made subject and liable to the Payment of all Monies now due on the Credit of the said Three former Acts, or that shall hereafter become due on the Credit of the said former Acts and of this Act, and of all Interest due and to grow due thereon respectively.

New Trustees.

II. And be it further enacted, That *Richard Arkwright* the elder, *Richard Arkwright* the younger, *Robert Arkwright, John Arkwright, Charles Arkwright, Peter Arkwright, Joseph Arkwright* Clerk, *William Wootton Abney*, the Honourable *James Butler*, the Honourable *Charles Butler, John Beaumont, Willam John Bagshaw, Thomas Barker, John Balguy* the younger, *Bryan Thomas Balguy, Thomas Bilbie, John Barker* Clerk, *Anthony Auriel Barker, Alexander Crawford Bromehead* Clerk, the Honourable *Henry Cavendish*, the Honourable *Charles Cavendish*, Sir *William Coke* Knight, *D'Ewes Coke, John Coke, John Cruso, George Cox, Henry Cox, John Charge, Richard Calton, Joseph Colley, Henry Dixon, Vincent Eyre, William Evans, Samuel Evans, Francis Offley Edmunds, William Edwards, George Fletcher* Doctor of Medicine, *Richard Frogatt, Charles Dakeyne Gladwin, John Charles Geradot, George Gosling*, Sir *Henry Hunloke* Baronet, *James Hunloke, John Heaton, Charles Heaton, Winfield, Halton, Imanuel Halton* Clerk, *Thomas Hallowes, Robert Holden* the younger, *William Drury Holden, Charles Hurt* the younger, *Richard*

Hurt, *Edward Hurt*, *John Harriſon*, *Ralph Heathcote* Clerk, *Rowland Heathcote*, *Thomas George Hough*, *Joſhua Jebb*, *Francis Jeſſopp*, *William Johnſon*, *Thomas Knowlton*, *William Allwood Lord*, *William Lockett*, *Thomas Lucas* Clerk, *Maynard Lucas*, *Robert Malkin*, *Henry Malkin*, *Francis Mundy*, *George Mower*, *Arthur Mower*, *William Edward Nightingale*, *Hugh Parker*, *Charles Palmer*, *Samuel Plant*, *Frederic Ricketts* Clerk, *John Rooth*, Sir *George Sitwell* Baronet, *Adam Barker Slater*, *Alexander Slater*, *Silas Slater* Clerk, *Sidney Shore*, *Offley Shore*, *John Shore* the younger, *Arthur Shore*, *John Shaw*, *Thomas Milnes Smith*, *Henry George Strutt*, *Jededia Strutt*, *Anthony Strutt*, *John Strutt*, *Douglas Strutt*, *Robert William Shirley*, *Jonathan Stokes* Doctor of Medicine, *Thomas Sykes*, *William Turbutt* the younger, *Richard Turbutt* Clerk, *William Munnings Thomas*, *Charles Wake*, *Mark Anthony Whyte*, *Fountain John Woodyeare*, *Richard Williams*, *Frederic Wilkinſon*, and *William Waller*, ſhall be and they are hereby added to and joined with the Truſtees appointed by or elected in purſuance of the ſaid ſeveral recited Acts, or any or either of them, for putting the ſame and this preſent Act into Execution; and the Truſtees hereby appointed, and their Succeſſors (being qualified according to the Directions of the ſaid firſt recited Act), are hereby empowered to act in the Execution of the ſaid ſeveral Acts and this Act as fully and effectually to all Intents and Purpoſes as if they had been named in or appointed by virtue of the ſaid former Acts, or any or either of them.

Power to appoint additional Truſtees.

III. 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 Seven Days Notice ſhall be given, as is directed by the ſaid recited Acts 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 Acts and this Act, in addition to the Truſtees hereby nominated and appointed; and ſuch Truſtees ſo to be appointed ſhall have the ſame Powers as if they had been nominated and appointed in and by this Act.

For repealing and increaſing the Amount of the Tolls between Duffield and Sheffield.

New Tolls granted.

IV. And whereas the Amount of the Tolls granted by the ſaid firſt recited Act of the Twenty-ninth Year of the Reign of His late Majeſty, is not now and will not hereafter be ſufficient for the Purpoſes of the ſaid ſeveral Acts and of this Act, upon that Part of the ſaid Road which lies between *Duffield* and *Sheffield* aforeſaid; be it therefore enacted, That ſo much of the firſt recited Act as fixes the Amount of the Tolls to be taken on the whole of the ſaid Roads, and ſo much of the ſaid laſt recited Act as authorizes and requires a further Half Toll to be taken between *Duffield* and *Cheſterfield* aforeſaid in a certain Part of the Year, ſhall be and the ſame are hereby reſpectively repealed; and that, in the Stead and Place thereof, the reſpective Sums of Money following ſhall from and after the paſſing of this Act be demanded and taken at each and every the Toll Gates, Side Gates, Chains, and Bars erected or to be erected on or by the Side of any Part or Parts of the ſaid Roads by virtue of the before recited Acts, from the Owner or Owners, or Perſon or Perſons, uſing or attending any Horſe, Beaſt, Cattle, or Carriage, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint

appoint for that Purpose, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls between Derby and Duffield, and Duffield and Wirksworth.

On those Parts of the said Roads which lie between *Derby* and *Duffield*, and *Duffield* and *Wirksworth* aforesaid:

For each Horse, Mule, or other Cattle, drawing any Coach, Chariot, Chaise, Hearse, or other such Carriage, the Sum of Three-pence:

For each Horse, Mule, or other Cattle, drawing any Chaise, Gig, Chair, or Taxed Cart, the Sum of Three-pence:

For each Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence:

For each Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches, the Sum of Four-pence Halfpenny:

For every Pair of Mill Stones, or single Block of Stone or Timber, drawn by Five or more Horses, the Sum of Sixpence *per* Horse; and drawn by any less Number than Five Horses, the Sum of Three-pence *per* Horse:

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

For every Score of Oxen, Cows, or Neat Cattle (and so in proportion for a greater or less Number), the Sum of Ten-pence:

For every Score of Calves, Hogs, Swine, Goats, Sheep, or Lambs (and so in proportion for a greater or less Number), the Sum of Five-pence:

Tolls between Duffield and Sheffield.

And on the Remainder of the said Roads between *Duffield* and *Sheffield* aforesaid:

For each Horse, Mule, or other Cattle, drawing any Coach, Chariot, Chaise, Hearse, or any such Carriage, the Sum of Four-pence Halfpenny:

For each Horse, Mule, or other Cattle, drawing any Chaise, Gig, Chair, or Taxed Cart, the Sum of Four-pence Halfpenny:

For each Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage (having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches), the Sum of Sixpence:

For each Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage (having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches), the Sum of Four-pence Halfpenny:

For each Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage (having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or upwards), the Sum of Three-pence:

For every Pair of Mill Stones, or single Block of Stone or Timber, drawn by Four or more Horses, the Sum of Sixpence for each Horse or Beast of Draught drawing the same; but if drawn by any less Number than Four Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny *per* Horse:

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

For

For every Score of Oxen, Cows, or Neat Cattle (and ſo in proportion for a greater or leſs Number), the Sum of Ten-pence: And,
For every Score of Calves, Hogs, Swine, Goats, Sheep, or Lambs (and ſo in proportion for a greater or leſs Number), the Sum of Five-pence.

New Tolls veſted in the Truſtees.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll or Duty; and the Monies ſo to be raiſed are hereby veſted in the ſaid Truſtees, and ſhall be paid, recovered, applied, aſſigned, and diſpoſed of, for the Uſe, Benefit, and Advantage of the ſaid Roads, and for the ſeveral Purpoſes of the ſaid ſeveral former Acts and of this Act, in the Manner therein reſpectively directed.

Limiting the Number of Tolls to be taken in One Day.

V. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded or taken in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night) for or in reſpect of the ſame Horſes, Beaſts, Cattle, or Carriages travelling between *Derby* and *Duffield*, or between *Duffield* and *Wirkſworth*; or more than Three full Tolls between *Duffield* and *Cheſterfield*, or between *Cheſterfield* and *Sheffield*: Provided alſo, that no Perſon ſhall on the ſame Day be permitted to paſs through any one Toll Gate between *Cheſterfield* and *Sheffield*, with any Cart or Carriage more than Four Times, laden or unladen, for One Toll, that is to ſay, Twice when going and Twice returning; and every Perſon who ſhall have paid a Second Toll on the ſame Day at any one Toll Gate as aforeſaid, ſhall and may afterwards paſs and repaſs any Number of Times at the ſame Gate on the ſame Day with the ſame Horſe and Carriage, Horſes and Carriages, without paying or being to pay any further or additional Toll.

Truſtees with the Conſent of the Creditors may leſſen the Tolls.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Eleven or more of them, and they are hereby authorized and empowered from Time to Time, with the Conſent of Five Sixth Parts in Value of the Creditors who ſhall have advanced Money on the Credit of the ſaid Tolls and Duties, to leſſen and reduce the Tolls and Duties by this Act made payable at any Turnpike or Toll Bar, and to order the ſame to be collected, received, and taken in ſuch Manner, Parts, and Proportions as they ſhall think proper; and, if the Truſtees find it neceſſary, to raiſe and increaſe the ſaid Tolls and Duties, ſo that the ſame do not exceed the Tolls and Duties granted and made payable by this Act.

For ſettling Diſputes concerning Tolls.

VII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, as the Caſe may happen, until the Amount of the Tolls or the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for ſuch of the Counties wherein the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Quantity of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and re-

covered, in case of Non-payment thereof, forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar Keepers competent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of their being so appointed to collect the said Tolls.

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

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

New Exemptions.

X. And whereas the Exemptions from Tolls granted and continued by the said several recited Acts have been found inconvenient and detrimental to the said Road; be it therefore enacted, That the same shall be and are hereby repealed, and that from and after the passing of this Act no Toll shall be demanded or taken 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 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 or Parishes in which any Part of the said Road doth lie, or with Green Fodder for soiling Cattle, Hay, Straw, or Corn in the Straw, not sold or disposed of, nor going to be sold or disposed of, but passing in Time of Harvest to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners or Occupiers thereof; or for any Horse, Beast, or other Cattle or Carriage, when employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying on the same Day, any Ploughs, Harrows, or

Implements of Husbandry, or any Mould, Dung, Compost, or Manure (except Lime) employed in Husbandry for manuring or improving Lands; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or to or from the Pinfold of any Parish or Township through which the said Roads do pass, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or 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 doth lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; 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, or Militia or Local Militia, 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 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 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 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 from 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 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 any Knight or Knights of the Shire to serve in Parliament for the Counties of *Derby* and *York*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; nor shall any Tolls be demanded or taken between the Twelfth Day of *May* and First Day of *October* in any Year, at the present or any other Side Gate within the Hamlet of *Healey*, for any Carts or Carriages, or Horses drawing the same, when solely employed in conveying Coals only to or for the Use of the Inhabitants of *Healey*, *Ecclesall-Bierlow*, and *Sheffield*, or any or either of those Places; nor shall any Tolls be demanded or taken at any Time of the Year at the said Side Gate for Horses, Mules, or Asses, when laden only with Coals, or going to be or returning after having been so laden; nor shall any more than One-fourth Part of the Tolls granted by the said

ſaid firſt recited Act be demanded or taken at the ſaid Side Gate, or at any other Side Gate which ſhall at any Time hereafter be erected within the Hamlet of *Healey* aforeſaid, for any Carriages, Horſes, or Beaſts of Burthen, or any horned Cattle, Sheep, or Lambs belonging to and *bonâ fide* the Property of any Inhabitant of or Occupier of Lands within the ſaid Hamlets of *Healey* and *Eccleſall-Bierlow*, or either of them; nor (between the Days and Times aforeſaid) for any Horſes, Cattle, Cart, or Carriage going empty for and returning only laden with any Stone or Stones intended to be uſed for the grinding of any Cutlery Goods or Wares within the Liberty of *Hallamſhire* in the ſaid Weſt Riding; nor ſhall any Tolls be demanded or taken between the Days and Times aforeſaid at any Toll Gate that may be erected in the Pariſh of *Norton*, or in the Hamlet of *Coleaſton*, for any Carts, Carriages, or Horſes laden or unladen, when ſolely employed in conveying Coals only from *Norton* or *Coleaſton* aforeſaid to the other of thoſe Places, for the private Uſe and Conſumption of its Inhabitants; nor ſhall any Tolls be demanded or taken at the preſent or at any future Gate or Side Gate within the Hamlet of *Healey* aforeſaid, or within Fifty Yards Southwards of the ſame, for or in reſpect of any One Horſe Cart, or other Carriage drawn by One Horſe, laden only with Milk for the Uſe of the Inhabitants of *Healey*, *Eccleſall-Bierlow*, and *Sheffield* aforeſaid, or any or either of thoſe Places, and returning empty, or with no other Lading than the empty Barrels or Cans which held and conveyed ſuch Milk prior to the Delivery thereof to the Inhabitants aforeſaid; nor ſhall any Toll be demanded or taken at *Holmley Common* Gate for Horſes, Mules, or Aſſes carrying Milk to *Healey*, *Eccleſall-Bierlow*, or *Sheffield* aforeſaid; nor ſhall any Tolls at any Time hereafter be demanded or taken at any Toll Bar which now is or hereafter ſhall be erected on any Part of the ſaid Roads between *Derby* and *Duffield* aforeſaid, or between *Duffield* and *Wirkſworth* aforeſaid, or between *Duffield* and the North End of the new Turnpike Road leading from *Belper* to *Heage*, for or in reſpect of any Horſes, Waggons, Carts, or Carriages laden with Lime for Manure, or going to be laden therewith, or returning empty after having been ſo laden: Provided always, that if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid (not being really and *bonâ fide* entitled to the ſame), ſuch Perſon ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Penalty on illegally claiming Exemptions.

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

XI. 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 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 any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Act, contained to the contrary notwithſtanding.

XII. And

Former Power to make, and to prevent Damage to Causeways repealed, and new Powers given.

XII. And be it further enacted, That so much of the said last recited Act as gives the said Trustees or any Five or more of them Power to make Causeways, and inflicts a Penalty for damaging the same, shall be and the same is hereby repealed; and that from and after the passing of this Act, it shall and may be lawful for the said Trustees, or any Five or more of them, to make or order to be made such Causeways or Foot Paths on the Side of the said Roads, or any Part or Parts thereof, as they shall think proper, and to place Posts, Rails, and Stones, or any or either of them, upon or by the Side thereof; and if any Person or Persons shall ride upon any such Causeway or Foot Path, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow or Truck thereon, or shall cause any Damages whatsoever to be done thereto, or to the Posts, Rails, or Stones laid upon or by the Side thereof, every such Person for every such Offence shall forfeit any Sum not exceeding Forty Shillings, to be levied and recovered by Distress and Sale, in such and the same Manner as is directed for the Recovery of Penalties and Forfeitures in and by the said first recited Act.

No Toll Gates to be erected nearer Derby and Sheffield than at present.

XIII. And be it further enacted, That no Toll Gate shall at any Time hereafter be set up or erected upon the said Road nearer to the said Town of *Derby* than the South Side of the Lane End which leads out of the said Turnpike Road to the Village of *Darley*, at or near to the present Toll Bar called *Mileash Bar*, or nearer to the Town of *Sheffield* than the Brook or Rivulet which divides the said Counties of *Derby* and *York*, except only the said Side Gate in *Healey* aforesaid.

Penalty on Persons carrying Milk without having their Names on the Pack Saddle.

XIV. And whereas very considerable Quantities of Milk are carried to the Town of *Sheffield*, and elsewhere, in Barrels or Tin Cans, upon Horses, Mules, or Asses, which are generally conducted without Bridles by Boys, who (after having delivered their Milk) frequently collect together and ride Races, or proceed at so quick a Pace as to make a great Noise by the Rattling of their empty Barrels or Cans, and so as to be a great Nuisance and Molestation to all Passengers along the said Road, and to endanger their Lives and Limbs; and several Accidents have actually happened in consequence; be it therefore enacted, That for the more easy Detection of Persons guilty of any of the Offences aforesaid, every Horse, Mule, or Ass carrying Milk on the said Road in Barrels or Cans, shall have the Owner's Name in large legible Letters fixed to or upon some conspicuous Part of the Pack Saddle upon or to which the Barrels or Cans shall be attached, or upon the said Barrels or Cans themselves; and if any Person or Persons shall carry Milk along the said Road upon Horses, Mules, or Asses in Barrels or Cans as aforesaid, without having the Owner's Name so affixed as aforesaid, the Owner or Owners of the same shall forfeit any Sum not exceeding Forty Shillings, the same to be levied and recovered as other Penalties are herein-before by this Act directed to be recovered; and if any Person or Persons in Attendance upon any Horse, Mule, or Ass laden with Milk, or returning Home after having been so laden, shall ride a Race or Races along the said Road, or shall proceed at an improper Rate, or shall wilfully or by Negligence of his Duty endanger the Person or Property of any Passenger upon the said Road, he shall, on being convicted of the same before One Justice of the Peace for the County or Place where the Offence shall be committed, forfeit and pay any Sum not exceeding Forty Shillings, to be

be levied and recovered as aforesaid, or the Offender or Offenders shall be committed to the House of Correction of the County or of the Riding or Hundred of the County where the Offence shall be committed, for any Period of Time (in the Discretion of such Justice) not exceeding One Calendar Month.

Toll Collectors to put up their Names.

XV. And be it further enacted, That all and every Toll Collectors and Collector appointed either by the said Trustees or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname; or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand; or shall refuse or neglect to give a Ticket, denoting the Payment of the Toll, and which Ticket shall name and specify the Gate or Gates freed by the Payment of such Toll; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road; or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalties shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty on drawing Timber and Stone on the Road, except on Wheel Carriages.

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

Gates to open inwards.

XVII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and it shall be lawful for the said Trustees to order all such Gates as are now erected, or may hereafter be erected, and which open and swing outwards towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which

any Gate or Gates is or are or ſhall be conſtructed, ſo as to open and ſwing outwards towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alterations, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute Labour.

XVIII. 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 to and for any Two or more Juſtices of the Peace for the County, Riding, or Place in which ſuch Road ſhall be ſituate, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; 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 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 paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, or appoint; and the ſaid Juſtices ſhall and may order and direct the Perſons who by ſuch Liſts ſhall be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for the 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 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 the ſaid Acts or either of them, authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or

their

their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Fines, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute now in Force or Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as 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 of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give any ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation if amounting to 200*l.*

XIX. 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 for the Purpoſes of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or 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 ſaid Truſtees or any Three or more of them; to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe 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 or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled and limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the 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

Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being be entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were actually made.

Where less than 200l. and amounting to 20l.

XX. 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 the said Trustees or any Three or more of them (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 any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where under 20l.

XXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 or Hereditaments so taken or used for the Purposes of this Act, in such Manner as the said Trustees or any Three 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 Titles.

XXII. 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 or Hereditaments to be purchased by virtue of this Act for the Purpose aforesaid, 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 in case the Person or Persons to whom any 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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and

for the ſaid Truſtees, or any Three or more of them, to order the 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 Accountant General in 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 if they are known, and if they are not known, then generally to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments without any Deſcription of them, ſubject to the Order, Control, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, 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 ſame 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 ſuch Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

XXIII. 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 the 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 one, 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 may order reaſonable Expences of Purchaſes to be paid by Truſtees.

XXIV. Provided always, 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 of Chancery, and to be applied in the Purchaſe of other Lands and Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order

the Expence 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 Sum or Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Surveyors may take Gravel, Sand, &c. filling up Pits, &c.

XXV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and ſuch other Perſon or Perſons as ſhall be employed by him or them for that Purpoſe, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand or other Materials proper for the repairing of the ſaid Roads from any Commons or Waſte Grounds, Common Rivers or Brooks, in any Pariſh, Townſhip, or Place wherein any Part of the ſaid Road lies, or in any adjoining Pariſh, Townſhip, or Place, 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 ſhall not be dangerous to Paſſengers or Cattle; and alſo by order of the ſaid Truſtees, or any Five or more of them, but under ſuch Reſtrictions as in this Act mentioned, to ſearch for, dig, get, take, and carry away ſuch Materials in, upon, and out of, through, from, and over the Lands of any Perſon or Perſons whomſoever, the ſame not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, after paying or tendering to the Owners or Occupiers of ſuch Lands ſuch a Sum, by way of Recompence for the Damage to be ſuſtained thereby, as the ſaid Truſtees or any Five or more of them ſhall judge reaſonable; and in caſe the Owners or Occupiers of ſuch Land ſhall refuſe to accept the Sum offered or tendered for Damages as aforeſaid, then the Amount thereof ſhall be ſettled by any Two or more Juſtices of the Peace for the County within which ſuch Materials ſhall be gotten, but ſubject to ſuch Appeal to the General Quarter Seſſions of the Peace to be holden in and for the ſaid County, as hereinafter directed.

Notice to be given to Occupiers of incloſed Lands before Materials are taken therefrom.

XXVI. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of the ſaid recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Roads out of or from any incloſed Lands or Grounds, until Five Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his or her uſual Place of Reſidence, to appear before any One or more Juſtice or Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or his or her Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for the ſaid Juſtice or Juſtices by his or their Order or Orders, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner

or

or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; any Thing in the said recited Act contained to the contrary notwithstanding.

Penalty on taking away Materials got by the Surveyors.

XXVII. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner by the said recited Act mentioned.

Recovery of Penalties.

XXVIII. And be it further enacted, That all Penalties or Forfeitures for Offences against the said recited Acts and this Act shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall have been committed, either by Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered 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 empowered and required to grant); and the Overplus, after any such Penalties and Forfeitures and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly mentioned, shall go and belong to the said Trustees, and be applied for the Purposes of this Act.

XXIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every 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 in the following Form of Words, or any other Form of Words to the like Effect, as the Case shall happen:

Form of Conviction.

'Derbyshire, to wit.' BE it remembered, That on the Day of in the Year of our Lord is convicted before me, One of His Majesty's Justices

'Justices of the Peace for the County] of *Derby* of [*specifying the Time and Place where the Offence was committed*]. Given under my Hand and Seal, the Day and Year aforesaid.'

Persons taking a Distress irregularly not to be deemed Trespassers ab initio.

XXX. 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 itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or for want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

Proceedings not to be quashed for want of Form.

XXXI. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Appeal given to the Quarter Sessions.

XXXII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Order of the said Trustees, or by the Order or Determination of any Justice or Justices of the Peace, may, within Four Calendar Months after such Order and Determination shall have been made or given, appeal to the Justices of the Peace, at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice at the least in Writing of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place; and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye-Law, Order, or Determination; and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable; and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

Public Act.

XXXIII. 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 the Act.

XXXIV. And be it further enacted, That the Term granted by the said recited Acts shall upon the passing of this Act cease and determine; and that the said recited Acts (subject to the Alterations, Additions, and Amendments herein-before contained) and this Act shall from thenceforth commence,

commence, continue, and be in force, and be executed 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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