ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 70.

An Act to continue the Term, and alter and enlarge the Powers of an Act, passed in the Twenty-first Year of the Reign of His present Majesty, for repairing the Roads from the present Turnpike Road upon *Greenhill Moor* to *Hathersage*, and from the *Chesterfield* Turnpike Road near *Stoney Middleton* to *Totley*, all in the County of *Derby*; and also for making Two new Branches from the said Roads to *Baslow* in the said County, and to *Goose Green* near *Sheffield*, in the County of *York*.

[11th *June* 1803.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, and altering the Road from the present Turnpike Road upon* Greenhill Moor, *near* Norton, *in the County of* Derby, *to* Hathersage *in the said County, through the several Parishes of* Norton, Dronfield, *and* Hathersage, *in the said County of* Derby, *and also the Road from the Road leading from* Chesterfield *to* Hernstone Lane Head, *near* Stoney Middleton *to* Totley, *through the several Parishes of* Bakewell, Hope, Hathersage, *and* Dronfield, *all in the said County of* Derby: And whereas the Trustees appointed in or by virtue of the said Act have proceeded

ceeded to put the ſame in Execution, and have for that Purpoſe borrowed a conſiderable Sum of Money on the Credit thereof, which Money, together with Intereſt for the ſame from the Time of the borrowing thereof, ſtill remains due and owing and cannot be paid off, nor can the ſaid Roads be kept in Repair unleſs the Term of the ſaid Act is continued, and ſome of the Powers and Proviſions thereof altered and enlarged; and it is neceſſary the Tolls thereby granted ſhould in ſome Caſes be increaſed: And whereas it would be a great Convenience to the Neighbourhood, and of publick Utility, if Two new Branches of Road were made from the ſaid Turnpike Roads, the One from *Totley* aforeſaid, along the South Eaſtwardly Side of certain Woods called *Eccleſall Woods* and *Miln Houſes*, to join the preſent Turnpike Road from *Cheſterfield* to *Sheffield* aforeſaid, near the Firſt Mile Stone thereon from *Sheffield* aforeſaid, at or near to a certain Place between the ſaid Mile Stone and *Sheffield*, commonly called *Gooſe Green*; and the other from a ſmall Bridge near to and on the Weſt Side of the preſent Toll Bar or preſent Turnpike Gate, upon the High Moors commonly called *Owler Bar*, to or near to a certain Cupola called *Maſter Barker's Cupola*, and from thence along a Road called the *Cupola Road* to join the preſent Turnpike Road from *Cheſterfield* to *Hernſtone Lane Head*, at or near *Baſlow* in the ſaid County of *Derby*; and if the ſaid Branches were made Turnpike, and included under the Powers and Proviſions of the ſaid recited Act and this Act: 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, paſſed in the Twenty-firſt Year of the Reign of His preſent Majeſty, and all and every the Powers, Proviſions, Directions, Penalties, Forfeitures, Clauſes, Matters, and Things therein contained (except ſuch as relate to Exemption from Stamp Duties, and ſuch as are by this preſent Act repealed, varied, or altered), ſhall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, not only for the Purpoſes of the ſaid Act, but alſo for the Purpoſe of ſetting out, making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the ſaid Two new and additional Roads, or Branches of Road, herein-before particularly mentioned and deſcribed, as fully and effectually, to all Intents and Purpoſes, as if the ſaid new and additional Roads or Branches of Road had been originally included in the ſaid recited Act, and as if the ſame Clauſes, Powers, Proviſions, Matters, and Things were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments and Alterations herein contained; and this Act, and the additional Term and Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies now due on the Credit of the ſaid Act and of this Act, or that ſhall hereafter become due on the Credit of the ſaid recited Act and this Act, and of all Intereſt due and to grow due thereon reſpectively, in Manner herein-after declared.

Term enlarged.

New Truſtees.

II. And be it further enacted, That *Richard Arkwright*, *Richard Arkwright* the younger, *Henry Aſhby*, *Chriſtopher Alderſon* Clerk, the Honourable *Orlando Bridgeman*, *George Barker*, *Thomas Bourne*, *Alexander Boſsley*, *Barker Boſsley*, *Thomas Barker*, *John Barker* Clerk, *John Barker* of *Bubnel*, *Caleb Barker*, *Joſeph Broomhead*, *Nicholas Broomhead*, *John Barker* of *Bakewell*, *George Boſsley*, *Joſeph Butler*, *John Bullock*, *Robert*

Robert Birch, *William Birds*, *Thomas Bower*, *James Bossley*, *Isaac Bennett*, *John Brown* Doctor of Physick, *Charles Bowns*, *William Chambers Bagshaw*, *John Brookfield*, *Charles Brookfield*, *William Carleill*, *Richard Chapman* Clerk, *John Crawshaw*, *Joseph Carrington*, *Joseph Cecil*, *Joseph Colley*, *D'Ewes Coke*, *John Cruso*, *John Cartledge*, *William Cutts*, *Joseph Denman* Doctor of Physick, *Samuel Dalton*, *John Dixon*, *Francis Eyre*, *Vincent Eyre*, *George Fillingham*, *Francis Fenton*, *Francis Foxlow*, *George Fletcher* Doctor of Physick, *George Bustard Greaves*, *Philip Gell*, *William Gauntley*, *Joseph Gould*, *James Green*, *Thomas Gardom*, *George Gardom*, *James Gregory*, *Richard Gillett*, Sir *Henry Hunloke* Baronet, *Thomas Windsor Hunloke*, *John Heaton*, *Joseph Hill*, *Joseph Hodgkinson*, *Mark Hewitt*, *Joshua Jebb*, *Robert Johnson*, *Thomas Knowlton*, *Lowe* Clerk, *William Allwood Lord*, *Thomas Leader*, *James Longstone*, *William Longden*, *Marmaduke Middleton Middleton*, *William Murray*, *James Mander*, *John Morewood*, *Stephen Melland*, *Francis Melland*, *William Milnes*, *Horatio Mason*, *Robert Needham*, *Benjamin Outram*, *William Ogden*, *Thomas Pares*, *James Peake* Clerk, *Hugh Parker*, *Lawrence Potts*, *William Pattson*, *Samuel Peech*, *William Passley* Clerk, *Luke Palfreyman*, *Francis Roe*, *George Rickards*, *Jarvis Radley*, *Walter Spencer Stanhope*, *Samuel Shore* the younger, *John Shore*, *William Shore*, *Samuel Simpson*, *Ashton Ashton Shuttleworth*, *Sitwell Sitwell*, *Jonathan Stokes* Doctor of Physick, *Robert Shaw*, *Joseph Storrs*, *John Sybray*, *James Shuttleworth*, *Thomas Smith*, *Richard Stanley*, *Benjamin Sale*, *Richard Swallow*, *Adam Slater*, *Richard Slater*, *Bache Thornhill*, *Henry Thornhill*, *William Thornhill*, *Wotton Byrchinshaw Thomas*, *John Kinnersley Tudor*, *James Wilkinson* Clerk, *Bromehead Ward*, *Michael Williams*, *Godfrey Watts*, *Peter Walthall* Clerk, *Richard Walthall*, *Robert Wright*, *George White*, *Peter Wigfall*, *John Wainright* Doctor of Physick, *Jeffery Wolstenholme* Clerk, and *Thomas Ward*, being qualified according to the Directions of the said recited Act, shall be and they are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Act; and that the Trustees hereby appointed, together with the surviving and remaining Trustees appointed in or by virtue of the said recited Act, shall be and are hereby empowered to put the said recited Act and this Act in Execution, as fully and effectually, to all Intents and Purposes, as if they had been appointed in or by virtue of the said recited Act.

After new Branches are made, old and new Mortgagees to stand thenceforward in the same Situation.

III. And be it further enacted, That until the said Two new Branches of Road shall be made and completed for the Passage of Horses, Cattle, Carts, and Carriages on the same, the Tolls authorized by the said recited Act to be taken on the Roads therein mentioned, shall be collected and received by and on the sole Account of the several Person or Persons who have advanced Money on the Credit of the said Act; and that from and after the said Branches of Road are so made and completed, and Tolls actually taken thereon, the Tolls directed to be taken on the Roads comprised in the said recited Act, and on the said new Branches of Road respectively, shall thenceforward be consolidated and form One joint Fund for the Purposes of the said Act and this Act, and be paid and applied in Payment and Discharge of future accruing Interest to the old and new Mortgagees respectively, without any Preference or Priority whatsoever, and subject thereto, that the Overplus of the said Tolls (if any) shall be paid and applied in Discharge of the said Arrears of Interest to the old Mortgagees as aforesaid.

IV. Provided

Arrears to old Mortgagees not to be paid until Road to *Hathersage* is completed.

IV. Provided always, That no such Arrear shall be paid off and discharged until Part of the said Road, mentioned in the said recited Act, to *Hathersage* (which is now unfinished) shall be completed; and that afterwards such Overplus shall be so applicable, subject to the Expences of hereafter getting this Act renewed, and to a sufficient Part thereof being, during the Time hereby granted, reserved and kept back in the Treasurer's Hands for that specific Purpose.

Certain Parts of the said recited Act repealed.

V. And be it further enacted, That so much and such Parts of the said recited Act as directs that Tolls shall be taken only Once a Day, and that no Turnpike Gate shall be erected between the present Turnpike upon *Greenhill Moor* and a Place called *Holmesfield Lidgate*, be, and the same are hereby respectively repealed.

Increased Tolls on certain Parts of the Road to be taken.

VI. And be it further enacted, That, from and after the said Two Branches shall be made, there shall and may be demanded, taken, collected, and received, at the several and respective Gates or Turnpikes which are or shall be hereafter erected upon, across, or by the Side of certain Parts of the said Roads herein-after mentioned, the following increased Tolls and Duties; (that is to say),

Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calash, Hearse, Chaise, Phaeton, Whisky, Gig, or Chair, the Sum of Four-pence:

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

For every Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, if drawn by only One Horse or other Beast of Draught, the Sum of Four-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, (except One Horse Carts as aforesaid), having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, the Sum of Sixpence:

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

For every pair of Mill Stones or Block or Blocks of Stone or Timber, drawn by Four or more Horses or other Beasts of Draught, Three Shillings and Sixpence:

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

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

Tolls vested in the Trustees, *etc.*

Which said Tolls shall be, and the same are hereby vested in the Trustees for executing the said recited Act and this Act, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions, as are contained in the said recited Act respecting the Tolls thereby granted and made payable, except so far as such Powers, Provisions, and Restrictions, are by this Act varied or altered.

VII. Provided

Number of Tolls to be taken at certain Places.

VII. Provided always, That no more than Two Tolls of such Amount as is allowed by the said recited Act shall and may be demanded and taken between *Greenhill Moor* and *Stoney Middleton*, and between *Greenhill Moor* and *Hathersage*, or between *Totley* and *Hathersage*; and no more than Three Tolls of the increased Amount by this Act, between *Goose Green* and *Baslow*, and *Goose Green* and *Stoney Middleton*, subject nevertheless as herein-after mentioned: Provided further, that no more than Two Tolls of the Amount allowed by the said recited Act shall or may be demanded or taken of or from the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, within the Township of *Totley*, for or in respect of their Horses, Cattle, or Carriages, travelling between *Totley* and *Stoney Middleton* aforesaid.

Exemption from Toll, *etc.*

VIII. And, to enable Persons who shall have actually paid a Half Toll at a Bar intended to be erected upon a certain Diversion of Road, now made or being made from *Bakewell* to *Baslow* through *Birchills*, to travel from *Baslow* aforesaid to *Goose Green*, for a less Toll than other Persons who shall not have paid the said Half Toll, be it further enacted, That all Horses, Cattle, Carts, and Carriages, the Driver or Drivers whereof shall bring and deliver a Ticket denoting that he or she shall have paid a Half Toll for such Horse, Cattle, Cart, or Carriage, on the same Day on the said Diversion, shall be entitled to and be exempted from Toll at the First Bar to be erected on the said Branch from *Baslow* to *Goose Green* aforesaid, equal in Amount to the Half Toll, so previously paid for such Cattle or Carriage upon the said Diversion as aforesaid.

Double Toll on *Sunday*.

IX. And be it further enacted, That it shall be lawful for the said Trustees and their Toll Gatherers or Collectors on each and every *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night in each and every Year, to demand and take at each Toll House or Turnpike Gate erected or to be erected by virtue of the said recited Act or this Act, Double the Tolls which shall for the Time being be ordered and authorized by the said Trustees to be collected at the same Toll House or Turnpike Gate on any other Day, but so as such Double Tolls shall not be demanded or received from any Person going to or returning from Church: And also that it shall and may be lawful for the said Trustees, or such Person or Persons as aforesaid, between the Thirty-first Day of *October* and the First Day of *May* in every Year, to demand and take, or cause to be demanded and taken, (except on *Sundays*), One farther Half Toll in Addition to and over and above the respective Tolls and Duties granted by the said recited Act and this Act.

Lead, *etc.* going to or from Mr. *Barker*'s Cupola to be exempt from Toll on certain Conditions.

X. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Gate to be erected upon or across the said Road, between *Baslow* aforesaid and the Turnpike Road from *Chesterfield* to *Curbar*, for any Horse or other Beast laden only with or drawing any Carriage laden only with Lead, Lead Ore, Coals, Cokes, Lime, or other Materials, going to or from the said Cupola, nor for the riding Horses of the Owners of the said Cupola, or their Servants, for and during so long Time as the Owners thereof shall permit and suffer the said Trustees, and their Surveyors for the Time being, to have, lead, take, and carry away from the said Cupola, all or so many of the Slags and Cinders made

thereat, which shall be of no farther Use but for the Repair of Roads, as they the said Trustees, or their Surveyors, shall from Time to Time think proper, for the Use and Repair of the Roads mentioned in the said recited Act and this Act, and that without making or being liable to make any Payment or Satisfaction whatsoever for the same.

New Exemptions.

XI. And whereas the Exemptions from Tolls, granted by the said recited Act, have been found inconvenient and detrimental, 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 or Duty shall be demanded or taken for or in respect of any Horses or Carriages, of whatsoever 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, fetching, or guarding such Mails or Expresses, or in returning therefrom, nor for the Horses belonging to any Officers or Soldiers upon their March or on Duty, nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting his sick Parishioners; nor of 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 Worship is ordered by Authority to be celebrated, or who shall be attending or going to attend, or returning from attending the Funeral of any Person or Persons, who shall die or be buried in any Townships, Hamlet, or Place through which any of the said Roads pass; nor for any Horse, Ass, or Mule, going to the Town of *Sheffield*, laden with Milk only, or returning from thence unladen, having been so laden, provided the Name and Place of Abode of the Owner of such Horse, Ass, or Mule, be painted in large visible Characters on some conspicuous Part of the Pack Saddle, Milk Barrels or Cans, wherewith such Horse, Ass, or Mule shall be laden; nor for or in respect of any Cattle or Carriage laden only with Gravel, Stone, or other Materials, for repairing the said Roads or any Road in any of the Townships, Hamlets, or Places, in which the same do lie, or with Dung, Mould, Marl, Soil, or Compost, of any Nature or Kind whatsoever (except Lime) for manuring any Lands or Grounds within any of the Townships, Hamlets, or Places, in which any Toll Gate is or shall be erected on the said Roads, or in any of the adjoining Townships, Hamlets, or Places, or with Grass, Hay, Santfoin, Fodder, Straw, or Corn in the Straw, not being carried for Sale; nor for any such Cattle or Carriage going only to be or returning after having been only so employed for any of the Purposes aforesaid respectively; nor for any Cattle drawing, or Carriage going with, or going empty for, or returning empty after having been laden with any Plough, Harrow, or other Implement of Husbandry, also belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle or Stock of any Kind, going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to any Blacksmith's Shop in order to be shoed or farried, or returning therefrom, nor for any Horses or Carriages travelling with Vagrants sent by Passes, nor of or from any Person or Persons going to vote at or returning from any Election of a

Member

Member of Parliament for the Counties of *Derby* and *York*, or either of them, or for the Borough of *Derby*, on the Day before the Day or Days of such Elections, or the Day after the same shall be respectively concluded; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

Further Part of the said recited Act repealed.

XII. And be it further enacted, That so much of the said recited Act as enacts and declares that the several Exemptions from Toll thereby allowed, shall extend to Carriages not having the Soles or Bottoms of the Wheels of the Breadth or Gauge of Six Inches, be and the same is hereby repealed.

No Exemptions to be claimed for Wheels of less Breadth than Six Inches, *etc.*

XIII. And be it further enacted, That no Person shall have or claim any of the Exemptions from Tolls granted by this Act, for or in respect of any Waggon, Cart, or other Carriage (save and except Carts drawn by One Horse only) which hath or shall have Wheels of less Breadth than Six Inches at the Bottom or Sole thereof, and upon which the Tire shall not be flat, or so as not to deviate more than a Quarter of an Inch from a flat Surface, and which shall not have the Nails counter-sunk so as not to rise above the Surface; or for or in respect of any Waggon, Cart, or other Carriage which (with the Loading thereof) shall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Indemnifying the Township of *Eccleshall Bierlow* against the Costs of Indictments.

XIV. And whereas by means of the aforesaid new Branch of Road from *Totley* to *Goose Green*, the Inhabitants of the Township of *Eccleshall Bierlow* aforesaid, will become liable to the future Repair of a considerable additional Quantity of Road; be it therefore further enacted, That if any Presentment or Presentments, Indictment or Indictments shall at any Time hereafter be made, found, or prosecuted against all or any of the Inhabitants of the said Township of *Eccleshall Bierlow*, by reason or on Account of the said new Branch of Road to be made within the same not being properly made, or being out of Repair, the Trustees for the Time being acting under or by virtue of the said recited Act or this Act, shall out of the Monies to arise by virtue of the said recited Act and this Act, at all Times hereafter save harmless and keep indemnified all and every the Inhabitants of the said Township of *Eccleshall Bierlow*, and all Owners and Occupiers of Lands, Tenements, or Hereditaments within the same, and also all other Person or Persons who are or may become liable to the Repairs of the Highways within the said Township of *Eccleshall Bierlow* of and from all and every Fine and Fines, Sum and Sums of Money, Costs, Charges, Damages, and Expences whatsoever which shall or may arise or be incurred in any Manner by reason or means of any such Presentment or Presentments, Indictment or Indictments as aforesaid, or otherwise howsoever, in respect of the said new Branch of Road

Road to be made within the ſame Townſhip not being properly made, or being out of Repair; the ſaid Fine or Fines, Sum or Sums of Money, Coſts, Charges, Damages, and Expences to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or upon the Caſe, to be brought or proſecuted in the Name or Names of the Surveyor or Surveyors for the Time being of the ſaid Townſhip, againſt the Treaſurer for the Time being of the ſaid Truſtees: Provided always, that nothing herein contained ſhall exempt or be conſtrued to exempt the Inhabitants of the ſaid Townſhip of *Eccleſall Bierlow* from doing and performing their due Proportion of common and ordinary Statute Duty, to be annually done and performed on the Turnpike Roads and Highways within the ſaid Townſhip, or from paying and contributing their due Proportion of all Compoſition Money ariſing or payable within the ſame.

Annual Sum to be paid to the Truſtees of the *Little Sheffield* Road for Diminution of Toll.

XV. And whereas it is apprehended that the aforeſaid Two new Branches of Road will when made occaſion a conſiderable Diminution of Tolls ariſing or to ariſe on certain Parts of the Turnpike Roads under the Care of the Truſtees appointed for carrying into Execution an Act paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing the Term and repealing the Powers of Two Acts, paſſed in the Thirty firſt Year of the Reign of His late Majeſty King* George *the Second, and the Nineteenth Year of the Reign of His preſent Majeſty, for repairing and widening the Roads from* Little Sheffield, *in the County of* York, *through the Towns of* Hatherſage, Hope, *and* Caſtleton, *to* Sparrowpit Gate *in the County of* Derby, *and from the Guide Poſt near* Barber's Fields Cupola, *through* Gundleford Bridge, Great Hucklow, Tideſwell, Hardgate Wall, *and* Fairfield, *to a Houſe known by the Sign of* The Angel *in* Buxton, *in the County of* Derby; *and for granting further and other Powers for that Purpoſe*; be it therefore further enacted, That from and after the ſaid Two new Branches of Road, or either of them, ſhall be made, there ſhall be yearly and every Year paid by and out of the Tolls to be collected and received under the Authority of the herein-before recited Act of the Twenty-firſt Year of the Reign of His preſent Majeſty, and of this Act, to the Treaſurer of the Truſtees of the ſaid *Little Sheffield* and *Sparrowpit Gate* Turnpike Roads, or ſuch other Perſon or Perſons as they ſhall authorize to receive the ſame, the clear Sum of One hundred Pounds, as a Compenſation for ſuch Diminution of Tolls, ſuch annual Sum of One hundred Pounds to be paid at the End of One Year, to be computed from the Day Tolls ſhall begin to be received upon the ſaid Branches or either of them, or the ſame or either of them ſhall be opened for the general Paſſage of Travellers, (Notice in Writing whereof ſhall be delivered by the Clerk or Treaſurer of the ſaid laſt mentioned Roads or Branches to the Treaſurer of the *Little Sheffield* or *Sparrowpit Gate* Turnpike Roads within Seven Days after ſuch Toll ſhall begin to be taken), and to be paid on the ſame Day in every ſucceeding Year; and in Default of ſuch Payment for the Space of Thirty Days after the ſame ſhall from Time to Time become due, ſuch annual Sum of One hundred Pounds, or any Part thereof, ſhall and may be recovered from the Truſtees appointed in and by the ſaid recited Act of the Twenty-firſt Year of the Reign of His preſent Majeſty, and this Act, or from their Treaſurer for the Time being, by Action of Debt or on the Caſe in any of His Majeſty's Courts of Record at *Weſtminſter*,

minster, in the Name of the Treasurer or Treasurers for the Time being of the said *Little Sheffield* and *Sparrowpit Gate* Road, against the Treasurer for the Time being of the said Trustees for executing the said recited Act of the Twenty-first Year of the Reign of His present Majesty, and this Act.

No Preference to be given to Mortgagees.

XVI. And be it further enacted, That no Preference shall be given to any Person or Persons, who have or hath heretofore advanced and lent, or at any Time or Times hereafter shall advance and lend, any Sum or Sums of Money upon the Credit of the said former Act or this Act, in respect of the Priority of advancing such Sum or Sums, except as before excepted, but that all Persons to whom any Mortgages or Assignments have been or shall hereafter be made, shall be in Proportion to the Sum or Sums therein mentioned, Creditors in equal Degree One with another; and in case any Creditor shall by Ejectment, or other due Course of Law, recover or get Possession of all or any of the Toll Bars or Tolls, to be collected by virtue of the former Act or this Act, he shall be deemed to hold the same in Trust for the Benefit of himself and all the other Creditors under the said former Act and this Act in an equal Degree, and shall account for and pay all the Money he shall receive amongst all the said Creditors or Mortgagees in Proportion to the Sum or Sums of Money advanced on their Parts respectively on the Credit of the said Tolls.

For compelling Subscribers to pay their Subscriptions.

XVII. And be it further enacted, That each and every Person and Persons who hath or have subscribed, or agreed to subscribe any Sum or Sums of Money for or towards making the said Two new Branches of Road hereby directed to be made, are and shall be severally and respectively liable, subject, and compellable to pay such Sum and Sums of Money so subscribed to the Clerk or Treasurer appointed or to be appointed by virtue of the said former Act and this Act, or to such other Person as shall be appointed for that Purpose by the said Trustees, or any Five or more of them, and in Default of Payment thereof, within Twenty-one Days after the same shall be demanded by such Clerk or Treasurer, it shall and may be lawful for such Clerk or Treasurer to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt, or upon the Case, or by Bill, Suit, or Information wherein no Essoign, Protection, or Wager of Law shall be allowed, nor more than One Imparlance.

For paying the Expences of the Act.

XVIII. And be it further enacted, That so much of the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory thereto as is consequent upon a Renewal of the said recited Act, shall be paid and discharged by the said Trustees out of any Money already collected or received, or hereafter to arise by virtue of the said recited Act, but that all extra Expences in anywise consequent upon or occasioned by the said new Branches, or the Introduction of the same into this Act, shall be paid and discharged by and out of the Money subscribed as aforesaid, or to be hereafter borrowed for that Purpose, upon the Credit of the Tolls and Duties hereby and by the said recited Act granted and made payable.

Alternate Places of Meetings.

XIX. And be it further enacted, That all Meetings of Trustees to carry this Act and the said recited Act into Execution (except Meetings upon

upon Emergencies as herein after mentioned) shall be alternately adjourned to and holden at some convenient Place on each Side of the *East Moors*, to wit, at *Sheffield*, *Norton*, *Dronfield*, *Totley*, or *Holmesfield* aforesaid, or at *Baslow* or *Stoney Middleton* aforesaid.

Meetings on Emergencies.

XX. And be it further enacted, That, if after any Adjournment of the Trustees, it shall at any Time be thought necessary that there shall be an earlier Day of Meeting than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, by an Order in Writing signed by Five or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice by a Writing affixed on all the Toll Gates then erected by virtue of the said Act and this Act, and also by Advertisement in some Newspaper, printed and circulated in the Neighbourhood of the said Roads, of the Time, Place, and Purpose, which shall be mentioned in the Order of the said Trustees, (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments: Provided always, that no such Meetings on Emergencies shall alter or interfere with the alternate Places of holding Meetings herein-before mentioned.

Power to erect Weighing Machines.

XXI. And whereas by an Act passed in the Thirteenth Year of the Reign of His present Majesty, commonly called *The General Turnpike Act*, certain Powers were granted to any Five or more of the Trustees acting upon any Turnpike Road, to erect Weighing Engines, but by the said Act no Power is given to the said Trustees to compel and enforce the weighing of any Carriages, unless the same shall pass loaded through some Turnpike Bar or Toll Gate, and which Restriction is found to be prejudicial to the Interest of the Roads to be repaired by virtue of the said Act and this Act; be it therefore enacted, That it shall be lawful for the said Trustees for the said Act and this Act, or any Five or more of them, at any publick Meeting, if they shall think proper, to order and cause to be built upon any Parts of the said Roads, as to them shall seem most eligible and expedient, a Crane, Machine, or Engine, with suitable Buildings thereto proper for the weighing of Carts, Waggons, or Carriages, conveying any Goods, Wares, or Merchandize whatsoever, and by Writing signed by them, or any Five or more of them, to order all and every, or any such Carriage or Carriages which shall come upon any Part of the said Roads within the Distance of Fifty Yards from any such Crane, Machine, or Engine, whether the same shall have passed through any Toll Gate or Bar or not, to be weighed together with the Loading thereof; and that all Clauses, Powers, Privileges, Exemptions, Restrictions, Penalties and Forfeitures, and Modes of Recovery thereof, mentioned and contained in the said recited Act of the Thirteenth Year of the Reign of His present Majesty, and applicable to Weighing Machines, shall in all Cases extend to and operate upon all Cranes, Machines, and Engines whatsoever, to be erected by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

No Order to be revoked but by a

XXII. And be it further enacted, That no Order made by the said Trustees, or any of them, at any of their Meetings, shall be revoked or altered,

altered, unleſs at ſome Meeting to be held for that Purpoſe, of which Notice ſhall be given by Advertiſement in ſome Newſpaper printed and circulated in the Neighbourhood of the ſaid Roads, Ten Days at leaſt before ſuch Meeting, ſignifying the Occaſion of ſuch Meeting, nor unleſs a greater Number of Truſtees ſhall attend at ſuch Meeting to revoke and alter the ſame than were preſent when ſuch Order was made. greater Number than made it.

XXIII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done or omitted to be done by virtue or in purſuance of the Directions of the ſaid Act and this Act, in the Name of their Treaſurer for the Time being, and that no Action or Suit, to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer, nor by the Act of ſuch Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, but the Treaſurer for the Time being of the ſaid Truſtees ſhall be deemed Plaintiff or Defendant, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid, and it ſhall be lawful for him to retain out of the Money then in his Hands, or out of the firſt Money to come to his Hands by virtue of the ſaid former Act and this Act, after ſuch Action or Suit ſhall be concluded or diſcontinued, all ſuch Payments, Coſts, Charges, Damages, and Expences, as by the Event of or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid, in Preference to all other Payments whatſoever. Truſtees may ſue and be ſued in the Name of their Treaſurer. Treaſurer to be reimburſed.

XXIV. And be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done or omitted to be done in purſuance of the Directions of this or the ſaid recited Act, until Twenty-one Days Notice ſhall be thereof given to the Treaſurer to the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender hath been made by him to the Party or Parties aggrieved, which Tender the ſaid Truſtees are hereby authorized to make, or order to be made by the ſaid Treaſurer, in order to prevent any ſuch Action or Actions, and the ſaid Treaſurer ſhall be reimburſed the Amount of every ſuch Tender by the Ways and Means herein-before mentioned in the Caſe of any Action or Suit being actually commenced; nor ſhall any ſuch Action or Suit be commenced after Six Calendar Months next after the Fact committed or Cauſe of Action aroſe; and every ſuch Action or Suit ſhall be laid and brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall, at his or their Election, plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty-one Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defend- No Action to be brought without Notice.

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ant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Collectors declared competent Witnesses.

XXV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any wise relating to the said Tolls, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Application of Compensation where exceeding 200 *l.*

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing 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 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, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to

to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

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

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

XXVIII. 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 or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Act and 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.

For ſecuring tranſient Offenders.

XXIX. And whereas Offences may be committed againſt the ſaid recited Act and this Act by Perſons whoſe Names are unknown to the Collectors, Surveyors, or other Officers appointed to put the ſaid recited Act and this Act into Execution; be it therefore enacted, That it ſhall be lawful for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he, ſhe, or they ſhall call to his, her, or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County, Riding, or Diſtrict, and near to the Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or, at the Option of the Perſon charged with ſuch Offence, to oblige ſuch Perſon or

or Persons so offending, to give Security for his, her, or their Appearance at the next Petty Session to be holden within and for the County, Riding, or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction of the same County, Riding, or District, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Penalties for Nuisances and Obstructions on the Road.

XXX. And be it further enacted, That if any Person driving or riding upon any Horse, Mare, Gelding, Ass, or Mule, carrying Milk Cans, Crates, Cars, or Panniers, shall not keep the said Horse, Mare, Gelding, Ass, or Mule, on the Left-hand Side of the said Road, 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 Fireworks whatsoever, on any Part or Parts of the said Road, or within Forty Yards from the same, every Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered, levied, and applied in such Manner as other Penalties, Forfeitures, and Fines are by the said former Act directed to be recovered, levied, and applied.

Duration of the Term of the Act.

XXXI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same; and the Term granted by the said recited Act, shall, upon the passing hereof, cease and determine; and that the said Act (subject nevertheless to this Act as aforesaid) and this Act shall from henceforth 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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