ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 125.

An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing the Road from *Newcastle-under-Line* to *Hassop*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton*, and several other Roads therein described, in the Counties of *Stafford* and *Derby*; so far as such Acts relate to the Second District of the said Roads. [17th *June* 1814.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middlehills *to the* Macclesfield *Turnpike Road near* Buxton; *and also the Road branching out of the said first-mentioned Road at* Cobridge *to* Burslem, *and to the* Uttoxeter *Turnpike at* Shelton, *in the County of* Stafford: And whereas an Act was passed in the Thirteenth Year of the Reign of His said Majesty, intituled *An Act to enlarge the Term and Powers of an Act made in the Fifth Year of His present Majesty, for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middlehills *to the* Macclesfield *Turnpike Road near* Buxton, *and also the Road branching out of the first-mentioned Road at* Cobridge to Burslem, *and to the* Uttoxeter *Turnpike Road at* Shelton, *in the County of* Stafford, *and for amending several other Roads adjoining thereto:* And whereas an Act

5 G. 3.

13 G. 3.

was passed in the Thirty-third Year of the Reign of His said Majesty, 33 G. 3. intituled *An Act to enlarge the Term and Powers of Two Acts of Parliament, the one passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middlehills *to the* Macclesfield *Turnpike Road near* Buxton, *and also the Road branching out of the said first-mentioned Road at* Cobridge *to* Burslem, *and to the* Uttoxeter *Turnpike Road at* Shelton, *in the County of* Stafford, *and the other passed in the Thirteenth Year of the Reign of His said Majesty, to enlarge the Term and Powers of the said Act; and for amending several other Roads therein described:* And whereas it was in and by the said recited Act of the Thirteenth Year of the Reign of His present Majesty enacted, that the said Roads comprized in the said Act should be divided into Two Parts or Districts; and that the said Road from *Newcastle-under-Line* to the *Cock* Inn in the Town of *Leek*, and the Roads branching out of the same at *Cobridge* to *Burslem*, and to the *Uttoxeter* Turnpike Road at *Shelton* aforesaid, should be and the same were thereby directed to be called *The First District* of the said Roads by the said Act intended to be repaired and widened; and that the said Road from the said *Cock* Inn, in the same Town of *Leek*, to *Hassop*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton*, should be and the same were thereby directed to be called *The Second District* of the Roads by the said Act intended to be repaired and widened: And whereas the Trustees appointed in or by virtue of the said recited Acts, in respect of the said Second District, have proceeded in the Execution thereof, and borrowed a very considerable Sum of Money upon the Credit of the Tolls arising upon the same District, which still remains due, with a long Arrear of Interest, and which Monies cannot be repaid, nor can the said Roads, constituting the said Second District, be properly amended and kept in Repair, unless the Term and Powers of the said Acts, so far as the same relate to such Second District, and the Roads therein comprized, are continued, amended, and enlarged, and the Tolls increased: 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 several recited Acts passed in the Fifth, Thirteenth, and Thirty-third Years of the Reign of His present Majesty, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever, in any of the said Acts contained and now in force, so far as the same relate to the Second District of Roads (except such Parts thereof as are hereby altered, varied, or repealed) shall be, continue, and remain in full Force and Effect, and the same is and are hereby further continued, and together with this present Act shall be executed for and during the Term herein-after mentioned, in as full and ample a Manner to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and that this Act, and the additional Term and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing from the said Roads constituting the said Second District, in any Manner, upon the Credit or on account of the said recited Acts, or any of them, and to the Payment of

First District of the Road.

Second District.

Term, &c. of recited Acts in respect to said Second District continued.

such other Sum or Sums of Money as shall be borrowed or become due and owing on the Credit thereof, and of this Act, together with the Interest due and to grow due upon the same.

Trustees for Second District.

II. And be it further enacted, That the Honourable *George Henry Cavendish* commonly called *Lord George Cavendish*, the Honourable *John Simpson*, Sir *Windsor Hunloke* Baronet, Sir *William Chambers Bagshaw*, *Richard Arkwright*, *Robert Arkwright*, *John Haywood Alsop*, *William Bagshaw* Clerk, *John Barker* Clerk, *John Barker* Attorney, *Joseph Badnall*, *Richard Badnall* the younger, *James Beech*, *Robert Birch*, *George Bosley* Clerk, *James Bulkeley*, *Ralph Bullock*, *William Brittlebank*, *Samuel Buxton*, *Henry Cavendish*, *John Cavendish*, *William Carrington*, *William Challinor*, *John Chadwick*, *William Chadwick*, *John Champion*, *John Clulow*, *James Clulow*, *Walter Hill Coyney*, *Joseph Condlyffe*, *Charles Coupland*, *John Cruso* the younger, *John Davenport*, *John Daintry*, *Michael Daintry*, *Thomas Denman*, *James Dowland*, *Matthew Ellison*, *Michael Ellison*, *Robert Emerson*, *Francis Eyre*, *Cornelius Flint*, *Charles Flint*, *Matthew Frost*, *Nathaniel Fuesdale*, *Thomas Fynney* the younger, *John Gaunt*, *Philip Gell*, *Arthur Godwin*, *Charles Greaves*, *John Gregory*, *Thomas Fenton Grosvenor*, *George Goodwin* of *Ege House*, *George Goodwin* of *Pigtor*, *Samuel Goodwin* the younger, *William Harvey*, *Thomas Hammond*, *John Hand*, *John Heaton*, *Charles Heaton*, *Charles Heaton* of *Endon*, *Philip Heacock*, *Thomas Honeyborne*, *Thomas Knowlton*, *Joseph Lay*, *Joshua Lingard*, *John Lingard*, *Thomas Lomas* the younger, *James Longsden* the younger, *John Lockett* of *Fairboroughs*, *William Lockett*, *William Lownds*, *Anthony Lax Maynard*, *Samuel Marsden*, *James Mathison*, *James Meakin*, *Marmaduke Middleton Middleton*, *Thomas Middleton* Clerk, *Thomas Mills* the younger, *George Mounsey* Clerk, *Francis Newbold*, *John Newbold*, *John Needham*, *Edward Trafford Nicolls*, *John Nuttall*, *Thomas Haw Parker*, *Thomas Percivall*, *Nathan Percival*, *William Phillips*, *Charles Phillips*, *Thomas Pickford*, *Matthew Pickford*, *Sinckler Porter*, *William Riddell*, *George Rogers*, *Vernon Royle*, *John Ryle*, *James Salt*, *George Saunders*, *John Scott*, *John Shaw*, *Ashton Ashton Shuttleworth*, *Arthur Heathcote Shepley*, *Richard Smith* Clerk, *William Sneyd*, *Clement Sneyd*, *Thomas Sneyd*, *Jonathan Rogers Stokes* Doctor of Medicine, *Edward Stracey*, *Thomas Sutton* Clerk, *William Sutton*, *Bache Thornhill*, *Henry Bache Thornhill*, *William Trueman*, *William Turnock*, *Francis Wakeman*, *James Wardle*, *Joseph West*, *Henry West*, *Isaac Wilkinson*, *John Wilkinson*, *Matthew Weston*, *Samuel Wood*, *John Woolliscroft*, *William Woolliscroft*, *Samuel Young*, *Ralph Bloor*, *Robert Bagshaw*, *Humphry Bretnor*, *Thomas Brown* Clerk, *George Cooper*, *Thomas Eyre*, *John Farmer*, *Richard Fynney*, *William Fynney*, *Timothy Greenwood*, *William Goodwin*, *Peter Holme*, *William Mills*, *Jonathan Moore*, *George Moorwood*, *John Nolon*, *Matthew Roberts*, *Bache Thornhill* Clerk, *Hugh Travis*, *John Thornhill*, *John Wild*, *George Wood* the younger, shall be and they are hereby added to and joined with the Trustees appointed for the said Second District, by or in pursuance of the said recited Acts, or any of them, for putting all the Powers of the same Acts, so far as they relate to the said Roads comprized in the said Second District, and also for putting the Powers of this Act into Execution; and the said Trustees and their Successors, being qualified according to the Directions contained in the said first-recited Act, shall be and they are hereby empowered and authorized to act in the Execution of the said recited Acts, so far as the same relate to the said Roads constituting the said Second District, and of this Act, as fully and effectually

tually to all Intents and Purpoſes, as if they had been appointed Truſtees in or by the ſaid recited Acts, or any of them.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them; and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of the ſaid recited Acts or this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act and the ſaid recited Acts, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this Act and the ſaid recited Acts, as if they had been hereby nominated and appointed.

Quorum of Truſtees reduced from Five to Three.

IV. And be it further enacted, That ſo much of the ſaid recited Acts as requires that Five Truſtees ſhall be the Quorum for executing the Powers and Proviſions thereof ſhall, ſo far as relates to the ſaid Second Diſtrict of Roads, be and the ſame is hereby repealed; and that all Orders, Acts, Matters and Things by the ſaid recited Acts, or any of them, or by this Act authorized, directed, and required to be done by the ſaid Truſtees in carrying the ſame into Execution, ſhall and may be done and executed by any Three or more of them; and the ſame ſhall be as good, valid and effectual, and ſhall have the ſame Force and Effect, as if ſuch Orders, Acts, Matters and Things, had been done and executed by any greater Number of Truſtees; but no Order heretofore made or hereafter to be made at any Meeting ſhall be revoked or altered at any ſubſequent Meeting, unleſs a greater Number of Truſtees than made the ſame ſhall concur therein, and alſo conſtitute the Majority of ſuch ſubſequent Meeting.

For regulating the Meeting of Truſtees.

V. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, ſhall and they are hereby empowered to meet together at the Houſe of *Ridout*, the *George* Inn in *Leek* aforeſaid, on the Second *Tueſday* next after the paſſing of this Act, and proceed in the Execution of the ſaid recited Acts and this Act, and ſhall then and at any Time thereafter from Time to Time, as often as may be neceſſary or expedient for the Purpoſes of the ſaid recited Acts and this Act, adjourn and meet at *Leek* or *Buxton*, or at any other public Place or Places on the Line of the ſaid Roads in either of the Counties of *Stafford* or *Derby*, which ſhall be by the ſaid Truſtees, at their reſpective Meetings, from Time to Time appointed; and if it ſhall happen that Three Truſtees ſhall not attend at any Meeting, it ſhall be lawful for Two or One Truſtee attending to adjourn ſuch Meeting to another Day; and in caſe no Truſtee ſhall attend to adjourn, or in caſe the Truſtees or Truſtee at any Time aſſembled or attending ſhall omit or neglect to adjourn, the Clerk to the ſaid Truſtees ſhall from Time to Time in either of ſuch Caſes, by Notice in Writing to be affixed on all the Toll Gates upon the ſaid Roads conſtituting the ſaid Second Diſtrict, Ten Days at leaſt before the next Meeting, appoint the Truſtees to meet at *Leek* or *Buxton*, or at ſome convenient Place on the Line of the ſaid Roads, to be ſpecified in ſuch Notice, not exceeding Thirty Days after the Day on which ſuch Meeting was held or was to have been held as aforeſaid.

VI. And

Meeting of Truſtees on Emergencies.

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

Power to continue or remove Turnpikes, or ſet up others.

VII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to continue and uſe any or every of the Turnpikes or Toll Gates already erected upon the ſaid Roads conſtituting the ſaid Second Diſtrict, or on the Sides thereof; or from Time to Time to erect and ſet up ſuch other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bars or Chains, in, upon, acroſs, or on the ſaid Side or Sides of the ſaid Roads conſtituting ſuch Second Diſtrict, or any of them, or acroſs any Lane or Way leading out of the ſame reſpectively, and ſuch and ſo many Toll Houſes or Toll Houſe, Weighing Engines or Weighing Engine, with ſuitable Outbuildings thereto, and add, make, and take ſuch Garden Spots to each and every of them, not exceeding One Eighth of an Acre each, to and for the Uſe and Occupancy thereof reſpectively, in ſuch Situations or Places as they ſhall think fit and expedient; and that the Right and Property of and in all and every the ſaid Turnpike Gates, Toll Bars, Toll Houſes, Weighing Engines and Buildings, Gardens, and all Materials for making, building, or repairing the ſame, ſhall be and is and are hereby declared to be veſted in the ſaid Truſtees; and in all Actions, Suits, Proſecutions or Proceedings, which may at any Time or Times hereafter be brought or had relating thereto, it ſhall be ſufficient to ſtate generally that the ſame, or any of them, as the Caſe may be, are or is the Property of the Truſtees for executing this Act, without ſtating or mentioning the Names of all the ſaid Truſtees; and the ſaid Truſtees, or any Three or more of them, may, if they think it expedient, from Time to Time remove all or any of the ſaid Turnpikes or Toll Gates, Toll Houſes and Appurtenances; and the ſaid Truſtees, or any Three or more of them, are hereby authorized and empowered to diſpoſe thereof; any Thing in the ſaid recited Acts or this Act, or any of them, contained to the contrary notwithſtanding.

Preſent Tolls repealed.

VIII. And whereas the ſeveral Tolls by the ſaid recited Acts authorized to be taken on the ſaid Roads conſtituting the ſaid Second Diſtrict have been found very inadequate to the proper Execution thereof, be it therefore enacted, That from and after the Twenty-fourth Day of *June* next after the paſſing of this Act, all and every the Tolls granted by the ſaid recited Acts, ſo far as the ſame relate to the ſaid Roads conſtituting the ſaid Second Diſtrict, ſhall be and they and every of them are and is hereby declared to be repealed;

repealed; and that inſtead of the ſaid Tolls by the ſaid recited Acts, or any of them granted, there ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Three or more of them, or their Leſſees, ſhall from Time to Time authorize or appoint for that Purpoſe, upon the ſaid Roads conſtituting the ſaid Second Diſtrict, before any Horſe, Beaſt, or other Cattle, Sheep, Lambs, Hogs or Swine, Coach, Chaiſe, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike or Turnpikes, Toll Gate or Toll Gates, now erected and ſet up or hereafter to be erected and ſet up by virtue of the ſaid recited Acts or of this Act, on any of the ſaid Roads conſtituting the ſaid Second Diſtrict, the ſeveral and reſpective Sums of Money hereinafter mentioned; (that is to ſay),

New Tolls. For every Horſe, Mare, Gelding, Mule, or other Beaſt whatſoever, drawing any Carriage whatſoever, the Fellies of the Wheels whereof ſhall be of the Breadth of Nine Inches, not deviating at moſt above One Inch from a flat Surface at the Bottom or Sole thereof, the Sum of Four-pence; of the Breadth of Six Inches and under Nine Inches, and not deviating more than One Inch as aforeſaid, the Sum of Five-pence; and of leſs Breadth than Six Inches, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or other Beaſt whatſoever, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

Double Tolls on Sundays. IX. And be it further enacted, That on each and every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken, at the reſpective Toll Gates on the ſaid Roads conſtituting the ſaid Second Diſtrict, by the reſpective Collectors, before any Horſe, Mare, Gelding, Mule, or other Beaſt, drawing or not drawing, and before any Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs or Swine, ſhall be permitted to paſs through the ſame reſpectively, Double the reſpective Tolls or Sums herein-before mentioned and authorized to be collected on any other Day under or by virtue of this Act.

Limiting the Number of Tolls. X. Provided always, and be it further enacted, That no more than Three Tolls ſhall be taken for the ſame Horſe, Mare, Gelding, Mule, or other Beaſt, drawing or not drawing, or for the ſame Ox, Cow, Neat Cattle, Calf, Sheep, Lamb, Hog or Swine, paſſing on the ſame Day between the Town of *Leek* and the Town of *Buxton*, or between the Town of *Leek* and *Brierley Bar*; nor more than Four Tolls for the ſame Horſe, Mare, Gelding, Mule, or other Beaſt, drawing or not drawing, or for the ſame Ox, Cow, Neat Cattle, Calf, Sheep, Lamb, Hog or Swine, paſſing on the ſame Day between the ſaid Town of *Leek* and *Haſſop*; nor more than One ſuch Toll for the ſame Horſe, Mare, Gelding, Mule, or other Beaſt, drawing or not drawing, or for the ſame Ox, Cow, Neat Cattle, Calf, Sheep, Lamb, Hog or Swine, paſſing on the ſame Day on each of the Branches of Road contained in the ſaid Second Diſtrict.

XI. And

Repealing Clauſe in Act of 5 G. 3.

XI. And be it further enacted, That ſo much of the ſaid recited Act of the Fifth Year of the Reign of His preſent Majeſty, as enacts, that no Waggon, Cart, or other Carriage, travelling for Hire upon any of the ſaid Roads, ſhall be drove or turned out of the ſame, into any of the Roads adjacent, not being Turnpike Roads, in order to avoid and thereby avoiding paying the Tolls and Duties appointed to be paid at any Gate or Turnpike which ſhall be erected for collecting and receiving the ſame, upon Pain of forfeiting any One of the Horſes drawing ſuch Waggon, Cart or Carriage, (not being the Thill or Shaft Horſe), with all his Geers and Accoutrements, to and for the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſeize and diſtrain the ſame; and the Perſon or Perſons making ſuch Seizure and Diſtreſs ſhall proceed in like Manner, and be entitled to the like Remedies, as is directed and given in Caſes of Seizure of Horſes, by an Act of Parliament made in the Fifth Year of His Majeſty King *George* the Firſt, intituled *An Act for making more effectual the ſeveral Acts for repairing and amending the Highways of this Kingdom*, ſhall be and the ſame is hereby repealed.

Reſpecting Toll for Lime on Congleton Road.

XII. Provided always, and be it further enacted, That no Horſe or other Beaſt drawing any Cart or other Carriage employed in carrying only Lime, or Coals for burning Lime, to or from any of the Lime Kilns now erected or to be erected upon or near *Grin Paſture*, in the Pariſh of *Hartington*, in the ſaid County of *Derby*, or within Two Miles of the Place where the *Ladmanſlow* Toll Gate is now ſtanding on the ſaid Road between *Leek* and *Buxton*, or going or returning empty for ſuch Purpoſe, which ſhall have paſſed down or be going to paſs up the Hill or Road called *The Terret*, and along any Part of the Road leading between *Buxton* and *Congleton*, commonly called *The Congleton Road*, ſhall be charged with any greater Toll than the Sum of One Penny for paſſing through any Turnpike or Turnpikes erected or to be erected between the preſent Bar at or near *Flaſh*, in the County of *Stafford*, and the Junction of the ſaid *Congleton* Road, or the reſpective Terminations of the ſaid Roads at or near *Brierley Bar* and *Buxton* aforeſaid; and that no Horſe or other Beaſt drawing any Cart or other Carriage employed in carrying Coals only towards *Ladmanſlow*, for any other Purpoſe than for burning of Lime at any of the ſaid Lime Kilns erected or to be erected as aforeſaid, or going empty for ſuch Coal, and having paſſed down, or being about to paſs up the *Terret* aforeſaid, and along any Part of the ſaid *Congleton* Road, ſhall be charged with any greater Toll than the Sum of One Penny Halfpenny for paſſing through any Turnpike or Turnpikes erected or to be erected as laſt aforeſaid; and that no Horſe or other Beaſt not drawing, but employed in carrying only Coals or Lime to or from any of the ſaid Lime Kilns, which ſhall have paſſed down, or be going to paſs up the *Terret* aforeſaid, and along any Part of the ſaid *Congleton* Road, ſhall be charged with any greater Toll than the Sum of One Farthing for paſſing through any ſuch Turnpike or Turnpikes erected or to be erected as aforeſaid.

Reſpecting Toll on Lime, &c. on the Road between Buxton and Macclesfield.

XIII. Provided always, and be it further enacted, That no Horſe or other Beaſt drawing any Cart or other Carriage employed in carrying only Lime, or Coals for burning Lime, to or from any of the Lime Kilns now erected or to be erected upon or near *Grin Paſture*, in the Pariſh of *Hartington*, in the ſaid County of *Derby*, or within Two Miles of the Place

Place where the *Ladmanſlow* Toll Gate is now ſtanding on the ſaid Road between *Leek* and *Buxton*, or going or returning empty for ſuch Purpoſe, which ſhall have paſſed, or be going to paſs along any Part of the Road leading between *Buxton* and *Macclesfield*, and commonly called *The Macclesfield Road*, ſhall be charged with any greater Toll than the Sum of One Penny Halfpenny for paſſing through any Turnpike or Turnpikes erected or to be erected between the preſent Bar at or near *Flaſh*, in the County of *Stafford*, and the Junction of the ſaid *Macclesfield* Road, or the ſaid reſpective Terminations of the ſaid Roads at or near *Brierley Bar* and *Buxton* aforeſaid; and that no Horſe or other Beaſt not drawing, but employed in carrying only Coals or Lime to or from any of the ſaid Lime Kilns, which ſhall have paſſed, or be going to paſs upon the ſaid *Macclesfield* Road, ſhall be charged with any greater Toll than the Sum of One Farthing for paſſing through any ſuch Turnpike or Turnpikes erected or to be erected as aforeſaid.

Reſpecting Toll on Lime for Manure between the Bar near Leek, and the Roads at Brierley and Buxton.

XIV. Provided always, and be it further enacted, That no more Toll ſhall be taken at any Gate erected or to be erected upon any Part of the ſaid Roads, between the preſent Situation of the Bar near *Leek*, called *Leek Edge Bar*, and the reſpective Terminations of the ſaid Roads at *Brierley* and *Buxton* aforeſaid, than the Sum of Four-pence for any Horſe or other Beaſt drawing any Cart or other ſuch Carriage going empty for the Purpoſe of carrying or being laden with Lime only for manuring of Land, or returning empty, having been ſo laden, or more than the Sum of One Penny for any Horſe or other Beaſt not drawing, but employed in carrying Lime as aforeſaid; and that only Two ſuch Tolls ſhall be taken in the Whole on the ſame Day at any Gate or Gates ſo erected or to be erected between *Leek Edge Bar*, and the reſpective Terminations aforeſaid.

No Gate to be erected between Kirkdale Bar and Fifty Yards Eaſt of Rowdale Lane.

XV. Provided alſo, and be it further enacted, That no Toll Bar, Toll Gate or Chain, ſhall be erected or ſet up, or any Toll taken upon or by the Side of any Part of the ſaid Roads, between the preſent Bar at or near *Sheldon* called *Kirkdale Bar*, and the Space of Fifty Yards Eaſtwardly of a certain Road called *Rowdale Lane*.

Tolls veſted in Truſtees.

XVI. And be it further enacted, That the ſaid ſeveral and reſpective Tolls hereby granted ſhall be and the ſame are hereby veſted in the ſaid Truſtees for the ſaid Second Diſtrict, and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, let, leaſed, varied and diſpoſed of, in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies for Nonpayment or Evaſion of the ſame, and with ſuch Powers, Proviſions, and Regulations as are contained in the ſaid recited Acts with reſpect to the Tolls thereby authorized to be taken on the ſaid Roads conſtituting the ſaid Second Diſtrict; but ſubject nevertheleſs to this Act, and the Proviſions, Regulations, Exemptions, and Reſtrictions herein contained.

Preſent Tolls to be collected till 24th June.

XVII. Provided always, and be it further enacted, That in the mean Time and until the Twenty-fourth of *June* next after the paſſing of this Act inclusive, the Tolls at preſent payable at the ſeveral Toll Gates erected on the ſaid Roads conſtituting the ſaid Second Diſtrict ſhall continue due and payable at the ſeveral Gates reſpectively, and ſhall be recovered

vered and recoverable in such Manner as is provided by the said recited Acts, or any of them.

In case of Disputes respecting Payment of Tolls, Bar Keepers competent Witnesses.

XVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise concerning any of the said Tolls, or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting under or by the Authority of the said Trustees, shall not be deemed to be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or any of them; nor shall the being a Trustee of the said Second District of Roads, or a Mortgagee of the Tolls thereof, or a Farmer or Collector of the said Tolls, or being a Treasurer, Clerk, or Surveyor under the said recited Acts or this Act, or the being an Inhabitant of any Parish, Township, or Place through which any of the said Roads in the said Second District contained do or shall pass, disqualify any Trustee, or other such Person as last hereinbefore described, from giving his Testimony or Evidence in any Prosecution or other legal Proceedings under the said recited Acts or this Act.

Exemptions.

XIX. Provided always, and be it further enacted, That all and every other the Exemption and Exemptions from the several Tolls and Duties granted and made payable by the said recited Acts, or any of them, so far as they, or any of them, respect or relate to the said Roads constituting the said Second District, shall cease and be no longer allowed; and that in lieu thereof the several Exemptions from Tolls herein-after mentioned shall be allowed, (that is to say), that no Tolls shall be demanded or taken for any Horse or other Beast or Carriage whatsoever, passing through any of the Turnpikes or Toll Gates erected or to be erected upon any Part of the said Roads constituting the said Second District, carrying or conveying Stone or other Materials, only to be used in or about the said Roads constituting the said Second District, or for the repairing any Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon any Part of the same Roads, nor returning empty when so employed, nor carrying or conveying any Corn in the Straw, or other Produce not bought, sold, or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owner or Owners thereof, nor any Ploughs, Harrows, or Implements of Husbandry, to be used in the Cultivation of Lands, nor any Dung, Compost, or Manure (Lime always excepted) for manuring of Land, nor going or returning empty when so employed; nor shall any Toll be paid by any Rector or officiating Minister, or other Person or Persons who shall pass through the said Turnpikes or Toll Gates to or from any Church, Chapel, or other Place of Religious Worship on a *Sunday*, *Christmas Day*, *Good Friday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die, and be buried in any of the said Parishes, Townships, Districts or Places; or from any Clergyman going to or returning from visiting any sick Person, or upon any other his Parochial or Ministerial Duty, at any Turnpike or Toll Gate erected or to be erected within such Parish, Township, or Place where such Duty is to be performed; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, Hogs or Swine, which are to be kept within the said Parishes, Townships, Districts or Places, going to or returning from Pasture, the Commons or

other Grazing Grounds, or Watering Places, or Blackſmiths Shops, or going empty for or returning laden only with Peat, Turf or Heath, from off the Moors, Heaths, or Commons belonging to the ſame, for the Uſe and Conſumption of the Inhabitants of the Pariſh, Townſhip, Diſtrict, or Place wherein ſuch Peat, Turf, or Heath ſhall be produced or grow; nor for Horſes or Carriages, of whatſoever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes or other Beaſt, or any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or 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 carrying or conveying any Ordnance or Barrack or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty 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 at the Time of claiming the Exemption; or for any Horſes, Beaſts, Carts or Waggons, travelling with Vagrants ſent by legal Paſſes, or returning empty having been ſo employed; or for any Horſe or Horſes, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the ſaid Counties of *Stafford* and *Derby* on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any Exemptions in this Act or the ſaid recited Acts, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

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

XX. 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 or Barrack or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes, or Oxen or other Beaſt, drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes, Oxen, or other Beaſts; but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes, Oxen, or other Beaſts, to ſuch Waggon, Wain, Cart, or other Carriage; any

any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the said recited Acts, contained to the contrary thereof notwithstanding.

To enable Trustees to take Possession of Toll-houses, &c. in the Hands of Lessees, Farmers or Collectors.

XXI. And be it further enacted, That in case the Tolls arising from all or any of the Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, erected or to be erected on the said Second District of Roads, shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall be respectively demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear and unpaid for the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Contract or Agreement for letting the same; or if any Collector or Receiver of the Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Family or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged; or any other Person who shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Engine or Weighing Engines, with the Buildings, Gardens, and Appurtenances thereto belonging, for the Space of Three Days next after Demand made thereof in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Engine or Weighing Engines, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Stafford*, or for the County of *Derby*, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon the Possession of such Toll House or Toll Houses, Weighing Engine or Weighing Engines, and other Buildings and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Collection of the Tolls there payable, and to put the said Trustees, or any of their Officers, or any other Person or Persons appointed by the said Trustees, or any Three or more of them, into the Possession thereof; and on such Lessee or Lessees, Farmer or Farmers, or any Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, it shall be lawful for the said Trustees, or any Three or more of them, if they shall think fit, to vacate and determine the Contracts or Agreements for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes, as if such Demise, Contract, or Agreement had never been made (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved or made payable); and it shall be lawful for the said Trustees, or any Three or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, in the same Manner as if no former Demise, Contract, or Agreement had been made or entered into relative to the same.

Trustees may have One Bidding when Tolls put to Auction.

XXII. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates shall be put up to be let to farm, the Trustees may, if they think fit, appoint some Person to bid once for the same,

same, to the Intent that such Tolls may not be let for less than an adequate Value.

In case of Sales, to whom to be offered.

XXIII. And be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act or the said recited Acts, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall have been a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate, (who are hereby respectively empowered to take such Affidavit), by some Person or Persons noway interested in the said Piece or Pieces of Ground, stating, that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by the said first-recited Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of the said first-recited Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by the said first-recited Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by any such Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act and the said recited Acts, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Compensation if amounting to 200l.

XXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements or Hereditaments, to be purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes of the said Second District of Roads, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements or Hereditaments, are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, 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 there, *ex parte* the Trustees for executing this Act, to the Intent that

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 Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.* and above 20*l.*

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this and the said recited Acts, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being

being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

XXVI. Provided always, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act or the said recited Acts, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Lunacy or Infancy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act or the said recited Acts, for the Purposes 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 any Three or more of them; or in case the Person to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereto, 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 Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, Title or Interest, in

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any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Acts or this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXIX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees, or any Three or more of them, out of the Monies to be received by virtue of the ſaid recited Acts or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Notice to be given before Materials taken.

XXX. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of the ſaid recited Acts or this Act, to dig, gather, get, take or carry away, any Materials for repairing ſuch Roads, out of or from any incloſed Land or Ground, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Occupier, to appear before any Juſtice or Juſtices of the Peace acting in and for the ſaid Counties of *Derby* and *Stafford* reſpectively, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Land or Ground; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath of the Service of ſuch Notice, and which Oath he, they, or any of them, is and are hereby empowered to adminiſter) make ſuch Order therein as

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he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Statute Labour.

XXXI. 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 Roads conſtituting the ſaid Second Diſtrict, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Stafford*, or the ſaid County of *Derby*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road conſtituting the ſaid Second Diſtrict lay, 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, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch 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 Liſt of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts, the ſaid Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads conſtituting the ſaid Second Diſtrict as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads conſtituting the ſaid Second Diſtrict, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Truſtees ſhall direct; and in default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts or this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the

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

Penalty in aſſaulting Perſons in Execution of this Act.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered or diſturbed, the Collectors of the Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Perſon or Perſons employed by them or any of them reſpectively, or by the ſaid Truſtees or any of them, in the Execution of any Part of the ſaid recited Acts or this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Twenty Pounds; which Penalty ſhall be applied towards the Repairs of the ſaid Roads conſtituting the ſaid Second Diſtrict, and ſhall be recovered in ſuch Manner as the other Penalties are by the ſaid recited Acts and this Act, or any of them, directed to be recovered.

Penalty if Drag Iron not put under Wheel when locked.

XXXIII. And be it further enacted, That if any Perſon or Perſons, at any Time or Times after the paſſing of this Act, ſhall lock or drag the Wheel or Wheels of any Waggon, Cart, or other ſuch Carriage, down any Hill or Hills, or upon any other Part of the ſaid Roads conſtituting the ſaid Second Diſtrict, every ſuch Perſon or Perſons ſhall affix a flat Drag Iron, or other flat Inſtrument under the Wheel or Wheels of ſuch Waggon, Cart, or other Carriage, which ſhall be One Inch broader than the Fellies of the Wheel or Wheels under which the ſame ſhall be ſo affixed, on Pain of the Driver of every ſuch Waggon, Cart, or other Carriage, forfeiting any Sum not exceeding the Sum of Five Pounds for every ſuch Offence.

Penalties how recovered.

XXXIV. Provided always, and be it further enacted and declared, That all and every the Penalties, Forfeitures, and Fines, to be forfeited, recovered, or paid under or by virtue of this Act, ſhall be recovered, levied, and applied in ſuch Manner as the other Penalties, Forfeitures, and Fines are by the ſaid recited Acts, or any of them, or this Act, directed to be recovered, levied, and applied.

Expences of Act how to be paid.

XXXV. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid by the ſaid Truſtees appointed or to be appointed for the ſaid Second Diſtrict, or any Three or more of them, out of the Monies already raiſed by virtue of the ſaid recited Acts, and now in the Hands of the Treaſurer for the ſaid Second Diſtrict, or out of the Firſt Monies which ſhall be collected or received by virtue of the ſaid Acts and this Act in reſpect of the ſame, in preference to all other Payments whatſoever; and in caſe any Perſon or Perſons ſhall advance and pay any Money for or on account of obtaining this Act, the Perſon or Perſons advancing and paying any ſuch Money ſhall be repaid the ſame out of any Monies already raiſed or received or to be raiſed or received by virtue of the ſaid recited Acts or of this Act, together with Intereſt for the ſame after the Rate of Five Pounds *per Centum per Annum*, from the Time of advancing the ſame.

Public Act.

XXXVI. 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.

Term of the Act.

XXXVII. And be it further enacted, That the Term granted and continued by the ſaid ſeveral recited Acts ſhall, (ſo far as reſpects the ſaid Second Diſtrict of Roads), on the paſſing of this Act, ceaſe and determine; and that this Act and the ſaid recited Acts (except ſo much thereof as is by this Act altered, amended, or repealed) ſhall from thenceforth 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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