ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. 1.

An Act for more effectually repairing and otherwise improving the Road from the North Side of *Cavendish Bridge*, in the County of *Derby*, to the Town of *Derby*, and from the said Town to the Guide Post on *Hulland Ward* in the same County.

[28th *May* 1827.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Roads from the Town of* Lough- 11 G. 2. c. 33.
borough *in the County of* Leicester, *to the Town of* Derby *in the County of* Derby, *and from the said Town of* Derby *to the Town of* Brassington *in the said County of* Derby, *and from the said Town of* Derby, *through the Town of* Ashborne *in the said County of* Derby, *to* Hurdloe House *in the Parish of* Hartington *in the said County*, several Tolls and Duties were granted and made payable, and divers Powers and Authorities given for repairing the said Roads, which were to have Continuance to the Twenty-fourth Day of *June* One thousand seven hundred and fifty-nine: And whereas by an Act passed in the Seventeenth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act for continuing and* 17 G. 2. c. 20.
making more effectual an Act made in the Eleventh Year of His present Majesty's Reign, for repairing several Roads leading to and from the Town of Derby *in the County of* Derby, the Term granted by the said former Act was further continued for an additional Term of Twenty-one Years, which expired on the Twenty-fourth Day of *June* One

thousand seven hundred and eighty: And whereas an Act was passed in the Thirty-third Year of the Reign of His said Majesty
33 G. 2. c. 33. King *George* the Second, intituled *An Act to amend and render more effectual Two Acts passed in the Eleventh and Seventeenth Years of the Reign of His present Majesty, for repairing several Roads leading to and from the Town of* Derby *in the County of* Derby: And whereas an Act was passed in the Seventeenth Year of the Reign of His late
17 G. 3. c. 100. Majesty King *George* the Third, intituled *An Act for repealing so much of Three Acts, made in the Eleventh, Seventeenth, and Thirty-third Years of the Reign of King* George *the Second, for repairing several Roads leading to and from the Town of* Derby *in the County of* Derby, *as relates to the Road leading from the North Side of* Cavendish Bridge *in the said County of* Derby, *through the said Town of* Derby, *to* Brassington *in the said County; and for making more effectual Provision for the Repair of the said Road:* And whereas an Act was passed in the Forty-sixth Year of the Reign of His said late Majesty
46 G. 3. c. 98. King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of the Seventeenth Year of His present Majesty, for repairing the Road leading from the North Side of* Cavendish Bridge *in the County of* Derby, *through the Town of* Derby, *to* Brassington *in the said County:* And whereas the Trustees for executing the said several recited Acts, so far as the same relate to the said Road comprised in the said recited Act of the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, have made great Progress in repairing the Road thereby directed to be repaired, for which Purpose they have borrowed upon the Credit of the Tolls thereby granted several Sums of Money, amounting in the whole to the Sum of Two thousand Pounds Sterling or thereabouts, which still remain due and owing to the following Persons; (*videlicet*), One thousand Pounds, Part thereof, to the Commissioners for paving and lighting the Town of *Derby*, bearing Interest at the Rate of Five Pounds *per Centum per Annum;* Five hundred Pounds, other Part thereof, to the Honourable *Elizabeth Curzon*, bearing Interest at the Rate of Four Pounds *per Centum per Annum;* and Five hundred Pounds, the Residue thereof, to *Francis Jessopp* Gentleman, bearing Interest at the Rate of Four Pounds *per Centum per Annum;* and the said several Sums of Money cannot be paid off, nor can the said Roads be sufficiently and effectually amended, widened, altered, improved, and kept in repair, unless the Term granted by the said last-recited Act be continued: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, inti-
3 G. 4. c. 126. tuled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His
4 G. 4. c. 95. said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty,
5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas the said Road leading from the North Side of *Cavendish Bridge* to the Town of *Derby*, and from the said Town

to the Guide Post on *Hulland Ward*, is in many Places narrow and incommodious, and it would be of great public Convenience and Advantage if the same were widened and altered in such Places as shall be deemed necessary: And whereas it is expedient that the Trustees for executing this Act should be discharged from the future Repair, Care, and Management of that Part of the said Road which extends from the Guide Post on *Hulland Ward*, at the End of the *Wirksworth* old Road, to the Village of *Brassington*, as leading to no City, Town, or Place of Importance, and as being attended annually with Expences beyond the Tolls arising therefrom; and that the Road by this Act intended to be repaired should extend only from the North Side of *Cavendish Bridge* to the Town of *Derby*, and from the said Town to the said Guide Post on *Hulland Ward*, so as to form a Junction with the said *Wirksworth* old Road: And whereas it would be more convenient if the said Acts of the Eleventh, Seventeenth, and Thirty-third Years of the Reign of His Majesty King *George* the Second, and the Seventeenth and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, so far as the same respectively relate to the said Road leading from the North Side of *Cavendish Bridge* to *Brassington* aforesaid, were repealed, and further, better, and more effectual Powers granted for more effectually repairing, diverting, altering, widening, and otherwise improving the said Road, from the North Side of *Cavendish Bridge* to the Town of *Derby*, and from the said Town to the End of the said *Wirksworth* old Road on *Hulland Ward* aforesaid; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts respectively passed in the Eleventh, Seventeenth, and Thirty-third Years of the Reign of His said Majesty King *George* the Second, and the Seventeenth and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, so far as the same respectively relate to the Road leading from the North Side of *Cavendish Bridge* in the County of *Derby* to the Town of *Derby*, and from the said Town to *Brassington* in the said County.

Recited Acts of 11, 17, & 33 G. 2., and of 17 & 46 G. 3. repealed.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, diverting, altering, and from Time to Time improving and keeping in repair, so much of the said Road as leads from the North Side of *Cavendish Bridge* to the Town of *Derby*, and from the said Town to the End of the *Wirksworth* old Road on *Hulland Ward* aforesaid.

This Act to be put in execution for repairing the Roads herein described.

III. And be it further enacted, That from and immediately after the passing of this Act the said Trustees shall be and they are hereby declared to be discharged and exonerated from the future Repair, Care, and Management of so much of the Road now included in the said

Discharging the Trustees from the future Repair, Care, and

Management of a certain Part of the Road.

said recited Acts of the Seventeenth and Forty-sixth Years of the Reign of His said late Majesty, as leads from the Guide Post at the End of the *Wirksworth* old Road on *Hulland Ward*, to the Village of *Brassington* in the said County of *Derby*.

Powers of the recited Acts of the 3d, 4th, and 5th of G. 4. extended to this Act.

IV. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to Debts, &c.

V. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby charged with and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts of the Eleventh, Seventeenth, and Thirty-third Years of the Reign of His Majesty King *George* the Second, and the Seventeenth and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, hereby repealed, so far as the same respectively relate to the said Road between *Cavendish Bridge* and *Brassington*, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Acts and of this Act, or any of them, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said Acts hereby repealed, and this Act, or to any other Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act, in such and the same Manner as if this Act had not been passed.

Bonds and Contracts, &c. under former Acts, to be good under this Act.

VI. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for carrying any of the said Acts hereby repealed into Execution, or to or with the Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed; and all

Contracts,

Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Officers under the former Acts to account, and deliver Books, &c. to the Trustees under this Act.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road leading from *Cavendish Bridge* to *Brassington* aforesaid, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or any of them, are required to pay or account for the same.

Books used under former Acts to be Evidence.

VIII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees.

IX. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with the Honourable *Nathaniel Curzon*, the Honourable and Reverend *Frederick Curzon*, the Honourable and Reverend *Alfred Curzon*, Sir *George Crewe* Baronet, Sir *Henry Every* Baronet, Sir *Robert Wilmott* of *Osmaston*, Baronet, Sir *Robert Wilmot* of *Chaddesden* Baronet, *Robert Arkwright*, *Charles Arkwright*, *Peter Arkwright*, *John Astell*, *John Balguy* the younger, *Brian Thomas Balguy*, *John Beaumont*, *Francis Bradshaw*, *Francis Bradshaw* the younger, *John Broadhurst*, *Thomas Bent* Doctor of Medicine, *John Bingham*, *Thomas Bingham*, the Reverend *William Barber*, *John Barber*, *Joseph Bainbrigge*, *Thomas Bainbrigge*, *John Bruckfield*, *Richard Brown*, *John Bing*, *Thomas Boden*, *Thomas Roby Burgin*, *Thomas Bridgett*, *Joseph Bridgett*, *William Briggs*, *John Boden*, Sir *Charles Colvile*, *John Cradock*, *John Cradock* the younger, *Thomas Cradock*, *Joseph Cradock*, *John Almond Cropper*, *Thomas William Coke* the younger, *Edward Coke* the younger, the Reverend *Charles Evelyn Cotton*, the Reverend *John Chamberlayne*, *John Curzon*, *Charles Clarke*, *Joseph Cade*, *John Cox*, *Thomas Cox*, *Roger Cox*, *George Cox*, *Henry Cox*, *Richardson Cox*, *William Thomas Cox*, *Samuel Walker Cox*, *Edward Calvert*, *John Chatterton*, *James Cowlisham*, *John Cowlisham*, the Reverend *William Cantrell*, *William Leigh Clowes*, *William Brown Darwin*,

John Drewry, *John Drewry* the younger, *James Drewry*, *Henry Every*, *Edward Every*, *John Every*, *Frederick Every*, *Walter Evans*, *Samuel Evans*, *William Eaton*, *Thomas Eaton*, *Richard Forester Forester* Doctor of Medicine, *Leonard Fosbrook*, *Leonard Fosbrook* the younger, *Samuel Fox* the younger, *Edward Fox*, *Francis Fox* the younger, Doctor of Medicine, *Douglas Fox*, the Reverend *Samuel Fox*, *William Charles Flack*, *Charles Flack*, *Edward Flack*, *William Fox*, *Thomas Gisborne*, *Philip Gell*, *John Nicholas Gell*, the Reverend *Philip Gell*, *John Gamble*, *Steven Gamble*, *Matthew Gamble*, *Richard Bennett Godwin*, *William Drury Holden*, *Robert Holden* the younger, *Alexander Atkinson Holden*, *Charles Holden*, *Bache Heathcote*, *Thornhill Heathcote*, the Reverend *Ralph Heathcote*, *Francis Hurt* the younger, the Reverend *John Hurt*, *Edward Nicholas Hurt*, *Robert John Wilmott Horton*, the Reverend *Charles Stead Hope*, the Reverend *Charles Richard Hope*, *Thomas Haden*, *Henry Hadley*, *Henry Holdsworth*, *John Harrison*, the Reverend *Nathaniel Palmer Johnson*, *William Brooks Johnson*, *Francis Jessop*, *Francis Johnson Jessopp*, *William Jessopp*, *John Jessopp*, *Henry Jessopp*, *Richard Leaper*, *William Jeffery Lockett*, *William Lockett*, *Thomas Lowe*, the Reverend *Henry Lowe*, *Charles Lowe*, *William Mundy*, *Charles Godfrey Mundy*, *Oswald Mosley*, the Reverend *John Peploe Mosley*, the Reverend *Peploe Pagett Mosely*, *William Middleton*, *William Morris Middleton*, *John Meynell*, *Thomas Mellar*, *William Eaton Mousley*, *Henry Mozley*, *Robert Leaper Newton*, *William Leaper Newton*, *Jacob Osborne*, *James Oakes*, *James Oakes* the younger, *Henry Orton*, the Reverend *Reginald Chandos Pole*, *John Pares*, *Thomas Pares*, the Reverend *Henry Peach*, *Thomas Peach* Doctor of Medicine, *John Peach*, the Reverend *William Peach*, *Sinckler Porter*, *Henry Pilkington*, *Robert Peach*, *Joseph Pagett*, *Thomas Pares*, *John Radford* the younger, *Samuel Richardson Radford*, *Thomas Radford*, *Walter Ruding*, *Samuel Rowland*, *John Bainbrigge Story*, *John Bainbrigge Story* the younger, *Nathaniel Story*, *William Strutt*, *George Benson Strutt*, *Joseph Strutt*, *Jedediah Strutt*, *Anthony Strutt*, *John Strutt*, *Edward Strutt*, *William Simpson* Doctor of Medicine, *James Blyth Simpson*, the Reverend *Robert Simpson*, *Edward Simpson* (Jeweller), *Charles Simpson*, *Edward Simpson*, *Edward Degge Sitwell*, *Robert Sacheverell Sitwell*, *Charles Sitwell*, *John Smith*, *John Henry Smith*, the Reverend *John Fleming Saint John*, the Reverend *John Swain*, *James Sutton*, *James Sutton* the younger, *James Soresby*, *James Soresby* the younger, *Joseph Sandars*, *Francis Sandars*, *John Sandars*, *Francis Severn*, *Hugh Scott*, *Samuel Tudor*, *Thomas Thorpe*, the Reverend *Edward Unwin*, *Henry Wilmot*, the Reverend *Richard Wilmot*, the Reverend *Richard Rowland Ward*, *John Wright*, *John Wright* the younger, *William White*, *Robert Plummer Wedall*, *John Wallis*, *William Morledge White*, *John White*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed the Trustees for putting the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act in execution.

Power to appoint additional Trustees.

X. And be it further enacted, That it shall be lawful for the said Trustees, at their First and Second Meetings, or either of them, to be held under or by virtue of this Act, to elect, nominate, and appoint

any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being qualified according to the Directions of the said Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

First Meeting of the Trustees.

XI. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Road, on the Third *Wednesday* next after the passing of this Act, and proceed to put this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty into Execution.

Former Officers (except the Treasurer) to continue until removed by the Trustees.

XII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, (except the Treasurer,) nominated and appointed under and by virtue of the said recited Acts hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or this Act.

Treasurer and Clerk not to be the same Person.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, to be the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint the Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, to be the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ

of

of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to continue, alter, or erect Toll Gates, Toll Houses, &c.

XIV. And be it further enacted, That the said Trustees shall and may either continue or remove all or any of the present Turnpikes and Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines which now stand upon, across, or on the Sides of the said Roads, and set up in lieu thereof, or in addition thereto respectively, one or more Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, Toll House or Toll Houses, and Weighing Machine or Weighing Machines, in, upon, across, or on the Side of any Part of the said Road, and provide or erect, or cause to be provided and erected, such Toll Houses, with suitable Outbuildings thereto, and inclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, as they may judge proper; and shall and may cause all or any of such Turnpikes or Toll Gates, Bars, Chains, Weighing Machines, and Toll Houses, from Time to Time to be taken down and set up again, and to be removed or altered, and placed in such other Situations upon, across, or on the Sides of the said Roads, or any of them, as they shall judge proper.

Power to take Tolls.

XV. And be it further enacted, That the several Tolls following shall be demanded and taken at each of the Gates, Bars, or Chains by this Act authorized to be continued or erected, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig, or Chair, or other such Carriage, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Drug, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, any Sum not exceeding Sixpence:

For

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Drug, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, and not less than Four Inches and a Half, any Sum not exceeding Seven-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Drug, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four Inches and a Half, and not less than Three Inches, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Drug, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Three Inches, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, laden with a Millstone or Millstones, or Block of Stone or Timber, any Sum not exceeding One Shilling:

For every Horse or other Beast drawing any Drug so constructed as that the Distance between the Axletrees thereof measured at the Ends shall be more than Nine Feet, and laden otherwise than with a single Piece of Timber, the Sum of Two Shillings and Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Penny: And,

For every Calf, Swine, Sheep, or Lamb, the Sum of One Halfpenny.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be and the same are hereby vested in the said Trustees, and shall be demanded and taken in the Name of or as Toll; and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Tolls to be taken but Once for passing and repassing.

XVI. And be it further enacted, That in respect of any Horse, Cattle, Beast, or Carriage passing through any Toll Gate or Turnpike erected or to be erected by virtue of the said Acts hereby repealed, or this Act, no Person or Persons who shall have paid One whole or full Toll for the passing thereof shall be subject to any Toll for returning through such Toll Gate or Turnpike Once on the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, with the same Horse, Cattle, Beast, or Carriage, but shall so return Toll-free, (except as herein-after mentioned).

Carriages to pay again, after passing and repassing.

XVII. And be it further enacted, That if any Horse or Horses or other Beasts drawing any Waggon, Wain, Cart, or other such like Carriage, shall pass or go a Third Time, or oftener, on the same Day through all or any of the said Turnpikes or Toll Gates, the Person or Persons having the Care of such Horse or Horses or other Beasts drawing any Waggon, Wain, Cart, or other such like Carriage, shall be liable and compellable again to pay the Tolls hereby imposed, in

the same Manner as such Person or Persons is and are and would have been liable in case Toll had not before on the same Day been paid in respect of the same Horse or Horses or other Beasts drawing any such Waggon, Wain, Cart, or other such like Carriage, or the same had not before on the same Day passed through any of the said Turnpikes or Toll Gates.

No more than Two full Tolls in addition to be paid between Cavendish Bridge and Derby, and the like Tolls between Derby and Hulland Ward.

XVIII. Provided always, and be it further enacted, That no more than Two full Tolls in addition thereto shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same Horses, Cattle, Beasts, or Carriages, passing and repassing through all the Turnpikes or Toll Gates maintained and supported by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or any or either of them, upon the said Road between *Cavendish Bridge* and *Derby*; nor more than the like Two full Tolls for passing through all the Turnpikes or Toll Gates maintained and supported by virtue of the said last-mentioned Acts and this Act, or any of them, upon the said Road between the Town of *Derby* and the Termination of the said Road on *Hulland Ward* aforesaid; but all and every Person and Persons, after having paid such full Tolls on the said Roads respectively as aforesaid, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass, with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (to be computed as aforesaid) through all and every the Gate and Gates, Turnpike and Turnpikes, erected on the said Roads respectively, or across any Road or Way leading out of the same respectively (except as herein-after mentioned); and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis*, on Receipt of the Toll in manner aforesaid.

Stage Coaches and Post Chaises to pay each Time of passing and repassing.

XIX. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying or conveying Passengers or Goods for Pay, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day, to be computed as aforesaid, through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Roads, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day, to be computed as aforesaid, as often as a fresh Hiring shall take place.

Carriages with Soughing Tiles, &c. exempt from Toll.

XX. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any of the Turnpikes or Toll Gates erected or to be erected on the said Roads, for any Horses or other Beasts drawing any Carriages loaded, or going empty to be loaded, or returning empty after having been loaded with Soughing Tiles, Bricks, Stone, or other Materials, to be solely used for the Purpose of draining Lands or Grounds; and if any Person shall claim or take

the Benefit of such Exemption, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Half to be paid to the Informer, and the other Half to the Treasurer of the said Roads; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; provided also, that no Person shall have or be entitled to the said Exemption from Toll for or in respect of any Waggon, Cart, or other such Carriage having Wheels of less Breadth than Four Inches and a Half on the Sole or Bottom of the Fellies thereof.

Abatement of Tolls for cylindrical Wheels.

XXI. And be it further enacted, That all Horses, Beasts, and other Cattle drawing any Waggon, Cart, or other Carriage having the Wheels cylindrical, and of not less Breadth than Four Inches and a Half on the Soles thereof, and with Axletrees of the same Description as mentioned and described in and by the said recited Act of the Third Year of the Reign of His present Majesty, shall be allowed an Abatement of One Third Part of the Tolls by this Act granted, except any fractional Part less than One Halfpenny.

Wheels deviating from a flat Surface.

XXII. Provided always, and be it further enacted, That all Waggons, Carts, or other such Carriages having at the Time of the using thereof Wheels which shall deviate more than One Fourth Part of an Inch from a flat Surface, or shall not have the Nails thereof countersunk so as to form a level Surface, shall be deemed liable and subject to the Payment of the same Toll as Carriages with Wheels of less than Three Inches in Breadth on the Soles thereof.

Fractional Part of a Halfpenny in Tolls.

XXIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

One Horse Carts may be weighed.

XXIV. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Road, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof, as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Application of the Tolls and Money to be borrowed.

XXV. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts hereby repealed on account of the said Road, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining

obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies and Tolls shall from Time to Time be applied, in the second place, in keeping down the Interest of the Principal Money due and owing on the Credit of the Tolls arising on the said Road included in the said recited Acts hereby repealed, and which may be borrowed on the Credit of this Act respectively, and in paying Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, and other Officers and Persons for the Time being employed by the said Trustees, and in erecting Turnpikes, Toll Houses, Side Gates, Side Bars, Chains, and Weighing Machines, and in amending, making, altering, widening, improving, and keeping in repair the said Road comprised in this Act, and in otherwise putting this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty into Execution; and lastly, in repaying the Principal Monies now due and owing, or hereafter to be borrowed, on the Credit of the Tolls by this Act granted, and to and for no other Use or Purpose whatsoever.

Interest to be be paid for Money advanced for obtaining this Act.

XXVI. And be it further enacted, That in case any Person or Persons shall advance and pay any Money for or towards the paying and defraying the Costs, Charges, and Expences of passing this Act, such Person or Persons shall be repaid the same, together with lawful Interest thereon from the Time of advancing such Money.

Trustees authorized to increase the Rate of Interest to 5*l.* per Cent. upon Securities bearing a lower Rate of Interest, or to pay off the Principal.

XXVII. And whereas it is reasonable that the said Trustees should be empowered to increase the Rate of Interest upon such of the existing Mortgages or Securities as bear a lower Rate than Five Pounds *per Centum per Annum*, or to raise Money to pay the same off; be it therefore further enacted, That it shall be lawful for the said Trustees to increase the Rate of Interest upon all or any such Mortgages or Securities as aforesaid to any Amount not exceeding Five Pounds *per Centum per Annum*, or to receive in, pay off, and cancel the same respectively; and to enable the said Trustees to raise Money, as well for such last-mentioned Purpose, as for the general Purposes of this Act, it shall be lawful for them, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said Road, such Sum or Sums of Money as they shall think necessary.

Trustees may borrow Money at a lower Rate of Interest than now paid.

XXVIII. And be it further enacted, That if at any Time any Person or Persons shall offer or be willing to advance any Sum or Sums of Money on the Security of the Tolls by this Act granted, at any lower Rate of Interest than shall for the Time being be paid or payable to the Holder or Holders of any of the then existing Securities, the said Trustees shall and may, and they are hereby authorized and empowered to cancel such Securities so carrying a higher Rate of Interest to the Amount of the Sum or Sums offered or ready to be advanced, paying to the Holder or Holders the full Amount of such Security, and grant new ones, bearing a lower Rate of Interest, unless the Holder or several Holders of such existing Securities shall consent to accept such lower Rate of Interest.

XXIX. And

Power to make Diversions.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, and complete the several Alterations and Diversions described and referred to in the Plan herein-after mentioned, in such Manner, and within the Limits herein-after mentioned, as they shall think proper for the Convenience and Benefit of the Public.

Restricting Trustees from deviating beyond certain Distances from the Line, without Consent.

XXX. And whereas a Map or Plan, describing the Line of the said intended Diversions and Alterations of the present Line of Road, together with a Book of Reference, containing List of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same is and are intended to pass, hath been deposited at the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace aforesaid, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said several Diversions and Alterations described in the said Map or Plan shall not deviate more than One hundred Yards from the Line thereof, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Misnomer not to prevent the Execution of this Act.

XXXI. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises, to be taken or used for the Purposes of this Act, shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands, Buildings, or other Premises described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act; but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the Names of the Owners and Occupiers of the same had not been omitted, or such Owners and Occupiers had been properly and accurately named, provided it shall appear to any Two or more Justices of the Peace of the County wherein such Lands, Houses, Buildings, or other Premises shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands, Buildings, or other Premises had Notice that such Lands, Buildings, or other Premises would be wanted for the Purposes thereof.

Power to take down and use Buildings, &c. comprised in the Schedule.

XXXII. And be it further enacted, That nothing in the said Acts passed in the Third and Fourth Years of the Reign of His said present Majesty, or either of them, contained, shall prevent or hinder the

the said Trustees from taking and pulling down all or any of the said Houses or other Buildings and Premises, or entering upon, taking in, and using for the several Purposes of this Act, all and every or any of the Gardens, Orchards, Yards, Plantations, Paddocks, and inclosed Grounds, planted for Ornament or Shelter to any House, or as a Nursery for Trees, and other Hereditaments and Premises comprised and mentioned in the Schedule to this Act annexed; but the said Trustees shall and may and are hereby especially empowered and authorized to enter upon, take Possession of, and use all and every or any of the same Dwelling Houses or Buildings, Gardens, Orchards, Yards, Plantations, Paddocks, and inclosed Grounds, Hereditaments, and Premises, for the Purposes of this Act, at such Time or Times during the Space of Five Years, to be computed from the Day of the passing of this Act, as they may think proper, tendering or making Satisfaction to the Owners thereof and Persons interested therein for the Loss or Damage they may thereby sustain, and subject to the Regulations contained in the said recited Acts passed in the Third and Fourth Years of the Reign of His said present Majesty, or either of them, in Cases where the Parties neglect or refuse to treat, or by reason of Absence are or may be prevented from treating, or cannot agree in the Premises: Provided always, that if the said Trustees shall not within the said Space of Five Years agree for, or cause to be valued and paid for, in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, the several Houses or other Buildings and Premises which they are by this Act empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given to them for such Purpose only shall cease, determine, and be utterly void, except with the Consent of the Owners and Occupiers thereof respectively.

The Power of purchasing to cease, if the Trustees shall not within Five Years agree for and pay the Purchase Money, &c.

For making Footpaths, &c.

XXXIII. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees to make or cause to be made such Causeways or Footpaths on the Side or Sides of the said Roads, or any Part or Parts thereof, as they shall think proper, and to place Posts, Rails, and Stones, or any or either of them, upon or by the Side or Sides thereof; and if any Person or Persons shall damage, or cause any Damage whatsoever to be done thereto, or to the Posts, Rails, or Stones laid upon or by the Side or Sides thereof, every Person for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered by Distress and Sale of his, her, or their Goods and Chattels, in such and the same Manner as is directed for the Recovery of Penalties and Forfeitures in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty.

Penalty for damaging the same.

Lamps to be provided and lighted at Toll Houses.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct one or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper; and also to order and direct at what Times of the Year, and during what Hours,

Hours, such Lamp or Lamps, or any of them, shall be kept lighted; and all and every Collectors and Collector of the Tolls authorized by this Act to be taken and collected, appointed by the said Trustees, and also all and every Lessees or Lessee thereof, and all Person and Persons appointed by such Lessees or Lessee, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission, to be recovered and applied in such and the same Manner as Penalties incurred for Offences against the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty are by such Acts directed to be recovered and applied.

Persons liable to the Repair of any Part of the present Road to continue so.

XXXV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable by reason of any Tenure, Inclosure, Prescription, Custom, or other lawful Cause of Obligation, to the amending, maintaining, or repairing, or to contribute to the amending or repairing of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding any thing herein contained, still remain liable and chargeable in such Manner as they were before the passing of this Act.

Trustees empowered to set apart a Sum for the gradual Repayment of the Principal.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, when and as they shall judge necessary, to set apart such annual Sum, not being less than Twenty Pounds, as they shall think proper, (the Interest to the several Creditors or Mortgagees having been first paid and discharged,) during the Continuance of this Act, to be appropriated and paid, out of the Tolls to arise at the several Toll Gates on the said Road, towards the gradual Payment of the Principal Sum or Sums of Money already or hereafter to be borrowed, in such Manner as the said Trustees shall from Time to Time think proper and expedient.

Trustees not to repair Streets.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any of them, to repair or amend the Pavement in the Street of any Town in or through which the said Roads shall pass, or any Bridge or Bridges which have been or ought to be repaired by the Inhabitants of the said County, or by any particular District, Township, Ward, Hundred, Parish, or Person having Lands or Tenements within the said County; but that such Streets and Bridges shall from Time to Time be repaired, maintained, and kept in repair by such Person or Persons, Bodies Politic or Corporate, or Inhabitants liable to the Repair thereof, in like Manner as the same were or ought to be respectively kept in repair before the passing of this Act; and no such Persons, Bodies Politic or Corporate, or Inhabitants, shall by virtue of this Act, or any thing herein contained, be exempted or discharged from any such Repairs.

Leases of Tolls to be vacated.

XXXVIII. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases, or Letting of the Tolls on the said

said Roads, heretofore granted, shall, on any Day after the First Meeting of the Trustees under the Authority of this Act, cease, determine, and become void, in case Notice in Writing shall be given for such Purpose by the Clerk to the said Trustees to or left at one of the Toll Houses for the Lessee or Lessees, Farmer or Farmers of the said Tolls, or by such Lessee or Lessees, Farmer or Farmers, to the said Clerk, Fourteen Days before the Time which shall be appointed for that Purpose; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, or Letting, refuse or neglect to deliver up the Possession of any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, or the Buildings and Appurtenances thereto belonging, to the said Trustees, or to any Person acting under their Authority, after Demand thereof made, then it shall be lawful for the said Trustees to remove such Lessee or Lessees, Farmer or Farmers, or Person or Persons, from the Possession thereof, in such Manner as is by Law directed with respect to the Removal of the Lessee or Lessees, Farmer or Farmers of the Tolls to arise and be made payable under this Act, whose Lease or Leases, Contract or Contracts, shall become avoided or vacated: Provided always, that the said Trustees shall, on or before the Day specified in such Notice, as herein-before mentioned, and they are hereby authorized, directed, and required to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she may or might thereby sustain, (such Loss or Damage being calculated according to the Amount of the Tolls which were payable at the Time of such Leases or Contracts being entered into, and not according to the Amount of the Tolls hereby made payable); and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and also (unless the Amount recovered shall be more than the Sum tendered by or on behalf of the said Trustees) shall have and recover their full Costs of Suit; provided also, that in case the said Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements, or Letting, shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessees or Lessee shall pay such Sums of Money or such additional Rent to the said Trustees as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Lease, or Letting; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Fourteen Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee to or left at the Office of the Clerk of the said Trustees.

Satisfaction to be made to Lessees.

Trustees and Lessees may agree to continue existing Leases.

XXXIX. And

Entrances to Fields, &c. to be made with hard Materials.

XXXIX. And be it further enacted, That in all Places throughout the said Road hereby directed to be repaired, where any Entrance shall be from the said Road to any Field, Garden, Yard, or other Land or Ground, or to any Buildings from the said Road or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by the Stoppage of Water, or by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor to the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier (as the Case may be); and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on the Behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the County of *Derby*, and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Application of Compensation Money when amounting to 200*l.*

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into* 1 G. 4. c. 35. *the*

the Court of Exchequer at Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or 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 in the same or the like Uses, Intents, and 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, 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 and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

XLI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and 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 Court of Exchequer, 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 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 manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

XLII. And be it further enacted, That where such Money so agreed or awarded to be paid as 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees 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 Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

XLIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said

said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividend or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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 shown to the Satisfaction of the said Court, and the Dividends or Interest of the said 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.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by the Trustees.

XLV. 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, Hereditaments, and Premises, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to 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 Court to order the Expence of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Not to abridge the Powers of the Derby Improvement Act.

XLVI. And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for better paving and otherwise improving the Borough of* Derby, after reciting that several Turnpike Roads extend into the said Borough, it is by the said Act enacted, that whenever the Commissioners named in or appointed under or by virtue of the said Act, shall rate, for any of the Purposes thereof, any Lands, Tenements, Hereditaments, or Premises situate by the Sides of and adjoining any of the Turnpike Roads extending into the said Borough, so much of the said Road by the Sides of or adjoining which such Lands, Tenements, Hereditaments, and Premises shall be situate, shall from thenceforth cease to be Turnpike Roads, and shall become public Highways, and be repaired by the Commissioners for executing the said Act: And whereas it is expedient that the said Power should continue in force so far as the same relates to the Road included in this Act; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, diminish, or abridge, or cause to be lessened, diminished, or abridged, the Power

Power now vested in the said Commissioners, but the same shall and is hereby declared to remain in as full Force and Effect as if this Act had not been passed.

Public Act.

XLVII. 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 and Continuance of this Act.

XLVIII. And be it further enacted, That this Act shall commence and take Effect upon the Day of the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE referred to by the aforegoing Act.

N°. on Plan.	Owners or reputed Owners.	Description of Property.	Parish.	County.	Occupiers.
1.	James Sutton, Esq. -	Fight Land Close -	Aston	Derby	James Sutton, Esq.
2.	Thomas Roby Burgoyne	The Green - -			Nathaniel Sims.
3.	- - Ditto - -	Garden - -			- Ditto.
4.	- - Ditto - -	Garden and Shop			Joshua Repton.
5.	- - Ditto - -	Garden and Yard			Thomas Roby Burgoyne.
6.	- - Ditto - -	Barn - -			- - Ditto.
7.	- - Ditto -	Orchard, or Hall Croft -			- - Ditto.
8.	William Wall - -	Garden - -			William Wall.
9.	John Wall - -	Ditto - -			John Wall.

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