



ANNO NONO

GEORGII IV. REGIS.

Cap. lxxix.

An Act for diverting, widening, repairing, and improving the Road from the Town of *Derby* to the South End of *Compton Street* next *Ashborne*, and from *Ashborne* to *Hurdloe House*, in the County of *Derby*, and that Part of the said Road called *The Old Road* leading from *Hardy's Hill* Toll Gate unto *Compton*. [23d May 1828.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing so much of Two Acts made in the Eleventh and Seventeenth 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 Goal Bridge in the said Town of Derby, through the Town of Ashborne, to Hurdloe House in the said County; for making more effectual Provision for the Repair of the said Road; and for enabling the Trustees to alter Part of the Course of the present Road between Ashborne and the New Inn Turnpike*: And whereas another Act was passed in the Forty-fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to continue and amend an Act passed in the Seventeenth Year of His present Majesty, for repairing the Road from the Town of Derby, through Ashborne, to Hurdloe* 17 G.3. c.92.

[Local.] 19 B House

45G. 3. c.1.

House in the County of Derby: And whereas by virtue and under the Authority of the said Acts the Trustees have made great Progress in the Execution thereof, and several Sums of Money have been borrowed, and are now due and owing upon the Credit of the Tolls thereby granted: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His 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 another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Distributions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas it would be of considerable Public Advantage and Utility if the said Road, or certain Parts or Portions thereof, were, in divers Places between the said Town of *Derby* and the said Town of *Ashborne*, diverted and turned from the present Line or Course thereof, and if the said Road were in various Parts thereof widened and in other Respects improved; but which Alterations and Improvements cannot be effected, neither can the said Road be effectually amended and kept in repair, nor the Monies so owing as aforesaid be repaid, unless the said first Two recited Acts be repealed, and a further Term, with additional Powers, be granted in and by thereof, and the Tolls on the said Road be 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 from and after the Third Monday next after the passing of this Act, the said recited Acts of the Seventeenth and Forty-fifth Years of the Reign of His late Majesty King George the Third shall be and the same are hereby respectively repealed, and instead thereof this Act shall thenceforth commence and take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, mending, widening, diverting, improving, and keeping in repair the Road leading from the Town of *Derby* to the southwesterly End of *Compton Street* next to the Town of *Ashborne*, and from the Town of *Ashborne* to *Hardloe House* in the County of *Derby*, and the Branch of the said Road called *The Old Road* leading from *Hardy's Hill* Toll Gate to *Compton* aforesaid.

Recited
Acts of 17
and 45 G. 3.
repealed,
and this Act
to take effect
instead
thereof.

Powers of
General
Turnpike
Acts ex-
tended to
this Act.

II. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as

as are varied, altered, or repealed,) shall respectively be as good, valid, and effectual, for carrying this Act into Execution, as if the same respectively had been repeated and re-enacted in the Body of this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereinafter specified, and hereby granted, shall be and the same are hereby 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 recited Acts of the Seventeenth and Forty-fifth Years of the Reign of His late Majesty King *George* the Third, hereby repealed, or either of them, and as shall or may be borrowed or become due by virtue of or under this Act, and of all Interest due and to grow due on such Monies, as fully and effectually, to all Intents and Purposes, as if the same Monies had been borrowed or become due or owing on the Credit or Security of the Tolls granted by this Act; and that 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 carrying the said first Two recited Acts hereby repealed into Execution, or to any Person or Persons for the Benefit of the said Trust thereby created, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

New Term
and Tolls to
be liable to
Debts, &c.
under
former Acts.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, and Securities, made or entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed, or either of them, into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on Behalf of such Trustees, according to the Provisions of the said recited Acts hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed, on account and for the Benefit of the Trusts created by this Act; and that all Bargains, Contracts, Agreements, and Securities made, entered into, or given by the said Trustees, their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties to the same, according to the Terms or Stipulations of such Bargains, Contracts, Agreements, and Securities respectively, notwithstanding the Repeal of the said first Two recited Acts.

Securities
underformer
Acts to be
good under
this Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Acts hereby repealed, and made Evidence by such Acts, shall be given and admitted in Evidence in all Courts, and by all Judges, Justices, and others, in all Cases whatsoever, in such and the same Manner as if the said first Two recited Acts had not been repealed.

Books used
underformer
Acts to be
Evidence.

VI. And be it further enacted, That all Persons who are or have been employed or have received any Tolls or other Money on account

Books re-
lating to
the Road to

be delivered
to the Trus-
tees under
this Act.

account of the Road by this Act directed to be altered, widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties and Forfeitures, 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 present Majesty, and this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to account for and pay and deliver over the same.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of Derby, together with *Peter Arkwright, Charles Arkwright, Brook William Robert Boothby, Joseph Bainbridge, Thomas Parker Bainbridge, Brian Thomas Balguy, Francis Bradshaw, Francis Bradshaw the younger, the Reverend Paul Belcher, the Reverend George Belcher, John Beresford, the Reverend Thomas Bingham, John Bingham, Thomas Bingham, John Boden, Thomas Boden, Joseph Bradley, John Brittlebank, the Reverend German Buxton, Thomas Bent Doctor of Medicine, John Barber, John Bruckfield, Richard Brown, John Browne, John Byng, James Brown, John Brookhouse, Thomas Briggs, Thomas Bridgett, Thomas Bruckley, Edward Coke, William Legh Clowes, Edward Soresby Cox, John Cox, Thomas Cox, Roger Cox, George Cox, Henry Cox, Joseph Cooper, Thomas Goodall Copestakes, Henry Chapman, John Cooper, John Douglas Cooper, Uriah Corden, Edward Corden, the Reverend Charles Becher Cotton, John Curzon, Charles Clarke, John Chatterton, Edward Calcutt, William Columbello, John Henry Cock, Robert Dale, Thurstan Dale, Thurstan Dale the younger, John Drewry, John Drewry the younger, Thomas Darby, Walter Evans, Samuel Evans, Richard Eaton, Thomas Eaton, Thomas Emery, William Fitzherbert, Richard Fitzherbert, the Reverend Henry James Fielden, Edward Fox, Samuel Fox the younger, Francis Fox the younger, Doctor of Medicine, Charles Springel Greaves, the Reverend Thomas Gell, the Reverend Philip Gell, Francis Goodwin, Robert Dobson Goodwin, John Gamble, Stephen Gamble, Matthew Gamble, Richard Bennett Goodwin, Joseph Gascoyne, Thomas Grime, the Reverend Edward Heathcote, Christopher Harland, Charles Harland, Thomas Hartshorn, Robert James Hartshorn, the Reverend Charles Stead Hope, the Reverend Charles Robert Hope, Thomas Haden, Henry Hadley, Joseph Handford, George Hood, Nathaniel Horsley, John Harrison of Derby, Francis Jessop, John Goodwin Johnson, Thomas Johnson, the Reverend George Evelyn Lowther, William Jeffery Lockett, William Lockett, Charles Lowe, John Longden, Richard Beacher Leacroft, Robert Leach, James Lovatt, John Maynell, Thomas Mellor, Thomas Mottram, William Eaton Meusley, Henry Mozely, Robert Newton, Leaper Newton, William Leaper Newton, Henry Orton, the Reverend Henry Peach, the Reverend Joseph Pickford, Thomas Peach Doctor of Medicine, William Peach, the Reverend Reginald Charles Pole, the Reverend George Pickering, Walter Pike, Sinckler Porter, Henry Pilkington, James Pym, Samuel Richardson*

Richardson Radford, Thomas Richardson, James Riddlesden, Samuel Rowland, Walter Ruding, the Right Honourable Robert William Shirley commonly called Lord Viscount Tamworth, the Reverend Walter Shirley, the Reverend Walter Augustus Shirley, the Reverend Samuel Shipley, Daniel Smith, William Simpson Doctor of Medicine, the Reverend Robert Simpson, William Sutton, James Blythe Simpson, Edward Lloyd Simpson, Edward Simpson (Jeweller), Charles Simpson, William Searle, Francis Severn, Joseph Sandars, Francis Sandars, John Sandars, John Smith, William Smith, William Strutt, Joseph Strutt, Edward Strutt, James Sutton, James Sutton the younger, John Swanwick, William Turner, Edward Walker, John Webb, Edward Webster, Charles Webster, the Reverend Richard Rowland Ward, John Whitham, John Wright (Surgeon), John Wright (Merchant), William Whiston, Robert Ward, Joseph Wheeldon, George Wade, and their Successors, being duly qualified according to the Directions of the said recited Acts, passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, nor varied, altered, or otherwise provided for by this Act; and also such of the Powers and Provisions of the said Act of the Fourth Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, nor varied, altered, or otherwise provided for by this Act; and also such of the Powers and Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty as are not varied, altered, or otherwise provided for by this Act.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, or by virtue thereof, from Time to Time, at any Meeting to be held for that Purpose (of which Meeting and of the Purposes thereof Fourteen Days Notice shall be given as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons duly qualified as aforesaid (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to those hereby nominated and appointed; and such Trustees to be from Time to Time so elected, nominated, and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth and the Seventh and Eighth Years of the Reign of His present Majesty, and this Act, as if they had been in and by this Act expressly named and appointed.

Power to
appoint
additional
Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Green Man Inn* in the Town of *Ashborne* aforesaid, or at some other convenient House in the same Town, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the

First Meet-
ing of Trus-
tees.

[*Local.*]

19 C

Morning

Morning and Two of the Clock in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third and Fourth and the Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution, and shall and may then, and at all subsequent Meetings to be held for the Purposes of this Act, from Time to Time adjourn to and meet at such Times respectively, at *Derby, Brailsford, Ashborne, or Newhaven*, as they shall think proper.

Former
Officers
(except the
Treasurer)
to continue.

X. Provided always, and be it further enacted, That the Clerk, Surveyor, Receiver, Collector, and all other Officers (except the Treasurer) who have been duly and regularly appointed under or by virtue of and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise, hold, and enjoy such their several and respective Offices and Employments under this Act, until they shall respectively die, resign, or be displaced or removed therefrom by the said Trustees, or shall become incapable of executing their said respective Offices, and shall be subject to the like Rules and Regulations, Fines and Penalties, in all Respects whatsoever, as if they respectively had been appointed under or by virtue of this Act.

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

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, Side Gates, Side Bars, Chains, Toll Houses, and Weighing Machines, now standing and being in, upon, or across the said Road hereby directed to be altered, widened, improved, and kept in repair, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, or built, in, upon, or across the said Road or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each such Gate, Turnpike, Bar, Chain, or Weighing Machine, or any of them, and to take in and inclose on the Sides of the said Road suitable Gardens or Garden Spots for the same Toll Houses respectively (not exceeding One Eighth Part of a Statute Acre to each of them), as they the said Trustees shall think necessary, and also from Time to Time to take down and remove or alter or discontinue the same or any of them, as they shall think proper, and shall direct or appoint.

Power to
take Tolls.

XII. And be it further enacted, That the respective Tolls following (subject to the several Provisions, Restrictions, and Exemptions in this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty,) shall and may be demanded and taken on each and every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, at each and every Toll Gate, Turnpike, Side Gate, Side Bar, and Chain, now set up and continued, or which shall hereafter be set up and continued, upon, across, or by the Side of the said Road by this Act directed to be made, widened, improved, and kept in repair, or any Part thereof, before any Horse, Mule, Ass, Beast, or other

other Cattle whatsoever, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other such Carriage as hereinafter mentioned, shall be permitted to pass through any such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain as aforesaid; that is to say,

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Curricule, Berlin, Phaeton, Chaise, Chaise Marine, Calash, Car, Cabriolet, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, the Sum of Sixpence: Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Five-pence; and in case the Fellies of the Wheels thereof be of less Breadth than Six Inches, and not more than Four Inches and a Half, the Sum of Nine-pence; and in case the Fellies of the Wheels thereof be of less Breadth than Four Inches and a Half, the Sum of One Shilling:

For every Horse or other Beast drawing any Van, Caravan, or other such like Four-wheeled Carriage, used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Sum of One Shilling:

For every Horse or other Beast drawing any Van, Caravan, or other such like Four-wheeled Carriage, used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Fellies of the Wheels whereof shall roll upon a Surface of not less than Six Inches, and shall not deviate more than a Quarter of an Inch from a flat or level Surface, the Sum of Nine-pence:

For every Horse, Mule, or Ass, 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 Calves, Sheep, Lambs, or Swine, the Sum of Ten Pence *per* Score, and so in proportion for any greater or less Number.

XIII. And be it further enacted, That in case Toll shall have been paid for the passing of any Horse, Beast, or Cattle through any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains now erected, and which shall be continued, or which shall or may be hereafter erected, upon, across, or on the Sides of the said Road by this Act to be improved, widened, and kept in repair, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle, for returning, passing, or repassing through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, before Twelve of the Clock at Night of the same Day, but on a Note or Ticket being produced denoting the Payment of such Toll, such Horse, Beast, or Cattle shall (except in the Cases hereinafter mentioned) be permitted to pass Toll-free through such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and also through every such other Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, if any, as such Ticket shall free, at any Time during the same Day before the said Hour of Twelve at Night; which Note or Ticket (naming and specifying the Gate or respective Gates freed by such Payment) the several Collectors of the

Tolls to be taken but once a Day for passing and repassing through the same Gate.

the said Tolls are hereby respectively required to give *gratis* on Receipt of the Toll.

No Horse,
&c. drawing
a different
Carriage to
pass Toll-
free.

XIV. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, of any Description whatsoever, for which Toll shall have been paid at any of the said Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, returning on the same Day through the same Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, or any of them, and drawing any other or different Waggon, Van, Cart, or other Carriage, shall be permitted to repass Toll-free.

Stage
Coaches to
pay every
Time of
passing.

XV. Provided also, and be it further enacted, That for and in respect of all Horses and other Beasts of Draught whatsoever, drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid at any such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain as aforesaid, and which shall return through the same on the same Day, the respective Tolls hereinbefore mentioned and made payable shall be paid for every Time both of passing and repassing through every such Toll Gate, Turnpike, Side Gate, Side Bar, and Chain, in like Manner as if no Toll had before been paid thereat.

Post Chaises
to pay with
every fresh
Hiring.

XVI. And be it further enacted, That the respective Tolls hereinbefore mentioned and made payable shall be paid for or in respect of all Horses and other Beasts of Draught travelling for Hire, and drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road, as often as a fresh Hiring thereof shall take place.

One Horse
Carts may be
weighed.

XVII. 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 Road drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or hereafter to be erected on the said Road, and the like additional Tolls be 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 that 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 Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Fractional
Part of a
Halfpenny in
Tolls.

XVIII. 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 demandable, paid, and taken in lieu of such fractional Part thereof.

Number of
Tolls on the

XIX. And be it further enacted, That it shall not be lawful for the said Trustees to take or demand more than Four Tolls for or in respect

respect of any Horse, Beast, or Cattle passing and repassing on the same Day between the said Town of *Derby* and *Hurdloe House* aforesaid; that is to say, not more than Two Tolls between the said Town of *Derby* and the Town of *Ashborne* aforesaid, nor more than Two Tolls between the said Town of *Ashborne* and *Hurdloe House* aforesaid.

XX. And be it further enacted, That none of the Tolls hereby authorized to be demanded and taken shall be demanded, taken, or received at any of the Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains erected and to be continued, or which shall be erected, upon, across, or by the Sides of the said Road, for any Horse, Beast, or other Cattle drawing any Waggon, Wain, Cart, or other Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the same Day), any Dung, Soil, Marle, Lime, Compost, or Manure for improving Lands, or any Gravel, Stones, Sand, Timber, or other Materials for the building, rebuilding, or repairing of any present or future Bridge, Toll Gate, or Toll House, or any Outhouse or Building appertaining thereto, now erected, and which shall be continued, or hereafter to be erected, upon the said Road, or to be used thereon; and if any Person or Persons shall claim and take the Benefit of any Exemption in this Act contained, without being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Proof of the Right to such Exemption shall lie on the Person claiming the same.

Exemption from Tolls.

Penalty on Persons claiming Exemption not being entitled thereto.

XXI. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, 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.

XXII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said first Two recited Acts hereby repealed, and which on the Day of the Commencement of this Act shall be remaining undisposed of, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit of such Tolls, and all other Monies which shall arise or be produced by virtue of this Act, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in obtaining Plans, Estimates, and Consents, and of applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto respectively, with Interest for the same; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the said Road by this Act directed to be diverted, widened, improved, and kept in repair; thirdly, in defraying the

[Local.]
19 D
Expences

Expences of diverting, widening, improving, and repairing the same Road, and of erecting, altering, and repairing Toll Gates, Turnpikes, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of such Road, and otherwise in executing the Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums which have or shall have been borrowed and secured in pursuance of and for the Purposes of the said first Two recited Acts hereby repealed, or either of them, and also the several Principal Sums of Money which shall or may be hereafter borrowed and secured by virtue or for the Purposes of this Act.

Expenditure
on Branch
Road.

XXIII. And be it further enacted, That the said Trustees shall not expend more Money in any One Year on the said Road between *Ashborne* and *Hurdlee House* than shall have been collected from the Tolls taken on that Branch of the said Road.

No Prefer-
ence or
Priority in
Securities.

XXIV. And be it further enacted, That no Preference shall be given to any Person or Persons who heretofore have or hath advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts hereby repealed, or either of them, or who shall or may hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, their, or any of their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, Mortgages or Assignments, or other Security or Securities for the same, or for advancing such Sum or Sums of Money; but that as well all and every Person and Persons to whom any such Mortgage, Assignment, or Security shall hereafter be made or given, and his, her, and their Assignee and Assignees, and also all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, Security or Securities, hath or have heretofore been made or given, shall, in proportion to the Sum or respective Sums therein mentioned, be Creditors under this Act in equal Degree one with another, and without any Preference or Priority.

Power to
make Devi-
ations from
the present
Line of
Road.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and complete such several Diversions and Deviations of and from the present Line of the said Road between the Towns of *Derby* and *Ashborne*, and also such other Alterations therein, by widening certain Parts thereof, as are described and referred to in the Map or Plan hereinafter mentioned; and that such Diversions, Deviations, and Alterations, when made, shall be maintained, repaired, and supported by the said Trustees, by virtue of the Provisions contained in the said recited Acts and this Act.

Power to
purchase
Buildings.

XXVI. And be it further enacted, That (notwithstanding any thing contained in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, to the contrary) it shall also be lawful for the said Trustees, and they are hereby fully authorized and empowered, for the several Purposes of this Act, at such Time or Times as they may think proper, to purchase and take, and to pull down, use, and lay into the said Road, all and every or any of the Messuages, Buildings, Orchards, Yards, Gardens, Shrub-
beries,

beries, Plantations, and other inclosed Lands and Hereditaments comprised and mentioned in the Schedule marked (A.) to this Act annexed, tendering or making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage which they may respectively sustain thereby, and subject to the Regulations contained in the said recited Act passed in the Seventh and Eighth Years of the Reign of His said present Majesty, 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.

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

Map or Plan deposited with Clerk of the Peace to remain there.

Trustees not to deviate more than 100 Yards from the Line described in the Map.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversions, Deviations, and Alterations into, through, over, or across the several Lands, Tenements, and Hereditaments of any Person who is or may be Owner of the Lands, Tenements, or Hereditaments over which the same is or are set out and described in such Map or Plan as aforesaid, although the Name of such Person may happen to be omitted or misstated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Derby*, and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

Misnomer not to prevent the Execution of the Act.

XXIX. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person acting by their Authority, to take, use, injure, or damage, for the Purpose of the said Diversions and Alterations, any Dwelling House or other Building, or to take or enter upon or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor of the same, or other Person interested therein first had and

Trustees not to take any Dwelling, &c. not specified in the Schedule, without Consent.

and obtained, except such as are mentioned in the said Schedule hereto annexed, marked (A.)

If Buildings,
&c. not pur-
chased with-
in Five Years,
the Powers
of Purchase
to cease.

XXX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase such of the said Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), as they may have occasion for, and as shall be requisite to enable them to make and complete the proposed Improvement and widening of the said Road, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same Buildings, Lands, Tenements, and Hereditaments, or such of them as shall not then have been purchased, shall cease and determine, and shall not be executed, unless with the Consent in Writing of the Owners or Proprietors of such Lands, Tenements, and Hereditaments respectively for the Time being.

Old Line
to be discon-
tinued after
the Devi-
ation there-
from is
completed.

XXXI. Provided also, and be it further enacted, That when and so soon as the said proposed Deviations of or from the said Road, or any of them, shall be made, completed, and rendered fit for the Passage of Horses, Cattle, and Carriages, then and in every such Case so much and such Part of the said old Line of Road as shall lie between the Two Points from and to which any such Deviation or new Line of Road shall be so made and completed shall cease to be under the Control, Management, or Direction of the said Trustees, but shall thenceforth be at all Times repaired and kept in repair by the respective Townships, Liberties, or Hamlets within which such Part of the said old Line of Road lies or is situate; or such old Road may be disposed of in manner directed by the said recited Acts in case the same shall be deemed to be unnecessary.

Ditches,
Drains, &c.
to be made
and cleans-
ed.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, and the Surveyor and Surveyors, or other Person or Persons by them appointed, and they are hereby respectively authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth as they shall consider expedient, for the Purpose of keeping the said Road dry, and of conveying the Water from the same, as well on the Side or Sides of the said Road, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Road (not being a Garden, Orchard, Park, planted Walk, or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained to the contrary notwithstanding; and that all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, and Plats to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, kept open, repaired, and maintained by the Occupiers of the adjoining Lands or Grounds, save and except such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass through, in, or under the said Road, which shall be repaired and maintained by the said Trustees, subject to

to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty.

XXXIII. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases or Letting of the Tolls on the said Road, heretofore made or granted, shall, on any Day after the Second 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 Fourteen Days before the Time which shall be appointed for such Meeting; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on occasion of the Avoidance or vacating 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 thereunto 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 do and shall, on or before the Day specified in such Notice as last hereinbefore mentioned, make or tender (which they are hereby authorized, directed, and required to do,) a fair and just Compensation or Satisfaction to the present Lessee or Lessees of such Tolls, for the Loss or Damage which they, he, or she may or might thereby respectively 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 Lessee or Lessees shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessee or Lessees shall and may recover Compensation for the Loss or Damage so sustained as aforesaid by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and shall likewise (in case the Amount recovered shall be more than the Sum tendered by or on behalf of the said Trustees, but not otherwise,) 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, Agreements, or Letting shall continue in force for the Remainder of the Term or respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessee or Lessees shall pay such Sum of Money, or such additional Rent, to the said Trustees, as a Consideration for the Continuance of such Lease or Leases, or Letting, as such Trustees shall think fit; and in case of any Difference or Dispute as to the Amount of the Sum or additional Rent so to be paid, the same shall be settled by any Two Justices of the Peace for the said County of *Derby*, which they are hereby empowered to settle accordingly, on Application being made to them for that Purpose by such Lessee or Lessees, and on Proof of Fourteen Days Notice of his, her, or their Intention having been

Leases of
Tolls to be
vacated.

[*Local.*]

19 E

given

given in Writing by such Lessee or Lessors to or left at the Office of the Clerk of the said Trustees.

Act not to affect the Powers of the Commissioners for paving the Borough of Derby.

XXXIV. 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 situated by the Sides of and adjoining any of the Turnpike Roads extending into the said Borough, so much of the said Roads 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 now vested in the said Commissioners; but the same shall and is hereby declared to remain in its full Force and Effect as if this Act had not been passed.

Public Act.

XXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

XXXVI. And be it further enacted, That this Act shall commence and be in force from the Third Monday next after the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE (A.) to which the foregoing Act refers.

Number on Plan.	Description of the Property.	Names of Owners or reputed Owners.	Names of Occupiers.	
1	Close called Derby Field	Francis Mundy, Esquire, M.P.	James Hewett -	Parish of Mackworth.
2	Garden - -	The said Francis Mundy -	Francis Room -	
3	Close called Snap- per's Snow - -	The said Francis Mundy -	Samuel Sherwin -	
4	Close called Hanging Flatt - -	The said Francis Mundy -	John Pickering -	
5	Road Close - -	The said Francis Mundy -	James Hewett -	
6	Wood or Plantation	The said Francis Mundy -	The said Francis Mundy	
7	Close called Alice Alleys	The said Francis Mundy -	William Smith -	
8	Garden - -	The said Francis Mundy -	Thomas Tomlinson -	
9	Garden - -	The said Francis Mundy -	Benjamin Tatlow -	
10	Garden - -	The said Francis Mundy -	Robert Ling -	
11	Garden - -	The said Francis Mundy -	James Sherratt -	
12	Garden - -	The said Francis Mundy -	Francis Hudson -	
13	Garden - -	The said Francis Mundy -	James Colbourn -	
14	Garden - -	The said Francis Mundy -	William Cockram -	
15	Garden - -	The said Francis Mundy -	Edward Darwin, Esquire	
16	Garden - -	The said Francis Mundy -	John Cockram -	
17	Garden - -	The said Francis Mundy -	Thomas Gorse -	
18	Garden - -	The said Francis Mundy -	Thomas Potter -	
19	Garden - -	The said Francis Mundy -	Elizabeth Meakin -	
20	Garden - -	The said Francis Mundy -	William Johnson -	
21	Garden - -	The said Francis Mundy -	Sarah Johnson -	
22	Garden - -	The said Francis Mundy -	Thomas Gorse -	
23	Garden - -	The said Francis Mundy -	John Potter -	
24	Cowhouse and Hovel, &c.	The said Francis Mundy -	The said John Potter -	
25	Orchard - -	The said Francis Mundy -	The said John Potter -	
26	Croft and Garden	The said Francis Mundy -	James Johnson -	
27	Pantry - -	The said Francis Mundy -	The said James Johnson	
28	Garden - -	The said Francis Mundy -	John Johnson -	
29	Coal House, Pigsty, &c.	The said Francis Mundy -	The said John Johnson	
30	Garden - -	The said Francis Mundy -	James Gorse -	Parish of Langley.
31	Garden - -	The said Francis Mundy -	Mary Colbourn -	
32	Sheds and Stack Yard	The said Francis Mundy -	Ellen Clifford -	
33	Orchard - -	The said Francis Mundy -	Ellen Clifford -	
34	Garden - -	The said Francis Mundy -	The said Ellen Clifford	
35	Croft - -	The said Francis Mundy -	The said Ellen Clifford	
36	Close called Ball End Side - -	The said Francis Mundy -	The said Ellen Clifford	
37	Plantation - -	The said Francis Mundy -	The said Francis Mundy	
38	Garden - -	Thomas Cox, Esq. - -	William Pickering -	
39	Garden, &c. - -	Mr. Henry Bowyer -	The said Henry Bowyer	
39 a	Garden - -	Edward Soresby Cox, Esquire	William Knighton -	Parish of Brailsford.
40	Garden - -	Edward Soresby Cox, Esquire	Joseph Kent -	
41	Garden - -	The said Edward Soresby Cox	George Bullock -	
42	Garden - -	The said Edward Soresby Cox	John Woolley -	
43	Garden - -	Mr. Samuel Orme -	The said Samuel Orme	
44	Croft - -	Miss Toplis - -	John Dowdeswell -	
45	Garden - -	William Evans, Esquire -	John Bainbridge -	
46	Garden - -	The said William Evans -	Thomas Hicklin -	
47	Croft - -	The said William Evans -	Sarah Wilder -	
48	Plantation - -	The said William Evans -	The said William Evans	
49	Barn and Farm Yard	John Rose Swindall, Esquire	George Webster -	
50	Garden - -	The said John Rose Swindall	The said George Webster	

Number on Plan.	Description of the Property.	Names of Owners or reputed Owners.	Names of Occupiers.	
51	Garden - - -	Miss Topliss	Edward Sandars -	Parish of Brailsford.
52	Garden - - -	The said Miss Topliss	William Bainbridge -	
53	Barn Close - -	The Right Hon. Earl Ferrers	Mr. Thomas Grime -	
54	Little Meadow -	The said Earl Ferrers	The said Thomas Grime	
55	New Close - -	The said Earl Ferrers	The said Thomas Grime	
56	Brick Kiln Close	The said Earl Ferrers	John Steer -	
57	New Close - -	The said Earl Ferrers	Henry Chadfield -	
58	Knowl Close - -	Mr. William Peach	The said Henry Chadfield	
59	Close called the Amsterdams - - }	The said William Peach	The said Henry Chadfield	
60	Garden - - -	The said William Peach	The said Henry Chadfield	Parish of Shirley.
61	Croft - - -	The said William Peach	The said Henry Chadfield	
62	Orchard - - -	The said William Peach	The said Henry Chadfield	
63	Close called Little Rough - - }	The said William Peach	The said Henry Chadfield	
64	Close called Eight Acres - - }	The said William Peach	The said Henry Chadfield	
65	Common Close - -	The said William Peach	The said Henry Chadfield	
66	Common Bit - -	John Beresford, Esquire	Samuel Maskery	
67	Marl Pit Close - -	The said John Beresford	The said Samuel Maskery	
68	Close called my Uncle's Bit - - }	The said John Beresford	The said Samuel Maskery	
69	Croft - - -	The said John Beresford	The said Samuel Maskery	
70	Cottage and Garden	The said John Beresford	The said Samuel Maskery	Township of Yieldersley, in the Parish of Ashborne.
70 a	Wood or Plantation	The said John Beresford	The said John Beresford	
71	Close called the Falls	Godfrey Meynell, Esquire	William Murfin	
72	Another Falls - -	The said Godfrey Meynell	The said William Murfin	
73	Marl Pit Close - -	John Beresford, Esquire	John Buxton -	
74	Yieldersley Meadow	The said John Beresford	The said John Buxton	
75	Fow Meadow - -	— Sykes, Esquire	John Copestake -	
76	Wood or Plantation	John Beresford, Esquire	The said John Beresford	
77	Gravel Pit Close -	The said John Beresford	Mr. John Wood -	
78	Close called Bowler's Pasture - - }	The said John Beresford	The said John Wood	
79	Croft - - -	The said John Beresford	William Bowler -	
80	Lime Kiln Close - -	The said John Beresford	The said William Bowler	
81	Lime Kiln Close - -	The said John Beresford	John Hough -	
82	Brick Kiln Close - -	The said John Beresford	John Wood -	
83	Yew Tree Close - -	John Wood - - -	The said John Wood -	
84	Lintwood Meadow -	The said John Wood	The said John Wood -	
84 a	Plantation - - -	The said John Wood	The said John Wood -	

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