



ANNO QUARTO

GEORGII IV. REGIS.

Cap. xli.

An Act for more effectually repairing the Road from *Alfreton* in the County of *Derby* to the Town of *Derby*. [23d *May* 1823.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled 42 G. 3. c. 83. *An Act for widening, altering, improving, and repairing the Road leading from Alfreton in the County of Derby to the Town of Derby*: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled 3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas the Trustees for executing the said first-recited Act have made great Progress in repairing the Road thereby directed to be repaired, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Road be effectually amended, widened, altered, improved, and kept in Repair, unless the Term granted by the said first-recited Act be continued, and some of the Powers and Provisions thereof altered, amended, and enlarged, and the said Tolls increased or altered; and it would tend to the more easy and effectual Repair of the said Road, if the said first-recited Act was repealed, and further and other Powers granted in lieu thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that

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Act repealed,
and this Act
to be put in
force.

it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Forty-second Year of the Reign of His late Majesty King George the Third, shall be and the same is hereby declared to be repealed, and instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the Turnpike Road herein-after described.

Powers of
3 G. 4. ex-
tended to
this Act.

II. 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 this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

New Term
and Tolls
liable to
Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they 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 first-recited Act, and of all Interest due and to grow due thereon, 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 of the said Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees of the said Road, or any of them, according to the Provisions and Directions of the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said Road, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first-recited Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Derby*, together with the Right Honourable Lord *George Augustus Henry Cavendish*, the Right Honourable Viscount *Petersham*, the Honourable *Nathaniel Curzon*, the Honourable Admiral *Henry Curzon*, the Honourable *Augustus Curzon*, the Honourable *Edward Curzon*, the Honourable and Reverend *Frederick Curzon*, the Honourable *Alfred Curzon*, the Honourable *Francis Curzon*, Sir *George Crewe* Baronet, Sir *Robert Wilmot of Chaddesden* Baronet, Sir

Robert Wilmot of Osmaston Baronet, Sir John Eardley Eardley Wilmot Baronet, Sir Charles Colville Knight, Richard Arkwright, Richard Arkwright the younger, Robert Arkwright, Peter Arkwright, Charles Arkwright, William Antill, Thomas Allsop, John Alsop the younger, Luke Alsop, John Balguy, John Balguy the younger, Bryan Thomas Balguy, Joseph Bainbrigge, John Beresford, Thomas Bilbie, Thomas Bent-M. D., John Bingham, Thomas Bingham, William Barber Clerk, John Byng, Robert Bromley, Richard Brown, George Bansall, Thomas Barber, Thomas Barber the younger, John Barber, Henry Browne, George Blore, Gabriel Brittain, William Burton, John Bowler, Charles Compton Cavendish, Henry Frederick Compton Cavendish, Edward Coke, Thomas William Coke, Daniel Parker Coke, D'ewes Coke, John Coke, D'ewes Coke the younger, William Coke, John Coke the younger, Edward Coke, John Curzon, John Carr Clerk, Thomas Carr Clerk, Charles Clarke, John Charge John Chatterton, Edward Soresby Cox, John Cox, Thomas Cox, Roger Cox, James Cade, Joseph Cade, Charles Callow, Charles James Callow, John Wilkinson Clay, William Clay, John Clay, John Clay the younger, Benjamin Chambers, John Chambers, Benjamin Chambers the younger, William Chambers, Samuel Crompton, John Crompton, John Bell Crompton, Gilbert Crompton, George Coates, Joseph Cooper, Thomas Cooper, John Dewe Clerk, John Drewry, Edmund Evans, Walter Evans, William Evans, Samuel Evans, William Eaton, Richard Eaton, Charles Eaton, Richard Dodsley Flamsted Clerk, Richard Forester Forester M. D., Francis Fox M. D., Edward Fox, Henry Fox, Samuel Fox, Alexander Foxcroft, John Fletcher, John Fletcher the younger, John Fletcher (of Ripley), William Henry Fletcher, Samuel Fletcher, George Fritch, George Dineley Goodere Clerk, George Goodere, Francis Green Goodwin, Francis Goodwin, George Goodwin, John Goodall, Matthew Gamble, John Gamble the younger, Winfield Halton, Imanuel Halton Clerk, Thomas Hallows, Robert Holden, William Drury Holden, Robert Holden the younger, Alexander Atkinson Holden, Charles Holden, Millington Warren Holden, Edward Anthony Holden, James Richard Holden, Francis Hurt, Francis Hurt the younger, Charles Hurt, Charles Hurt the younger, Richard Hurt, Edward Hurt, John Hurt Clerk, William Hunter Hunter, Charles Vicars Hunter, Henry Frotheringham Hunter, Charles William Hunter, Charles Stead Hope Clerk, Charles Hope Clerk, Robert Hope, John Cressy Hall, James Hall, Gervase Cressy Hall, Frederick James Hall, James Turbutt Hall, Francis Holmes, Christopher Holmes, John Holmes, Henry Holmes, Michael Holmes, William Holmes, Charles Holmes, John Hill, Thomas Haden, Henry Philip Hadley, John Horrocks, John Hoare, William Hopkinson, William Hazlewood, John Haslam, William Haslam, William Brooks Johnson M. D., John Jessop, Josias Jessop, William Jessop, Henry Jessop, George Jessop, Edward Jessop M. D., Francis Jessopp, William Kirkland, William Drury Lowe, William Jeffery Lockett, William Lockett, Richard Leaper, Thomas Lowe, Henry Lowe, Charles Lowe, William Lister, Francis Mundy, Edward Miller Mundy, Edward Miller Mundy the younger, George Mundy, William Mundy, Charles Godfrey Mundy, Henry Case Morewood Clerk, John Morewood Clerk, Thomas Mellor, William Morley, John Morley, William Eaton Mousley, William Milnes, John Matchitt, Henry Mozley, Robert Leaper Newton, William Leaper Newton, James Oakes, James Oakes the younger, Francis Outram, James Outram, Joseph Outram, John Outram, William Osborne, Jacob Osborne, Henry Orton, Thomas Pares, Henry Peach Clerk, William Palmer, Charles Palmer Clerk, Sinckler Porter, Henry Pilkington, Thomas Pearson, Henry Pearson,

*Pearson, John Pearson, John Radford, John Radford the younger, Richardson Radford, Edward Radford, Thomas Radford, Charles Radford, Samuel Rowland, Samuel Roberts, Benjamin Rickards, Alexander Radford, James Royston, John Rooth, Edward Sacheverell Sitwell, Edward Degge Sitwell, William Sitwell Clerk, Richard Sitwell, Robert Sitwell, Charles Sitwell, John Fleming St. John Clerk, William Strutt, George Benson Strutt, Joseph Strutt, Jedidiah Strutt, Anthony Strutt, John Strutt, Edward Strutt, Benjamin Smith, William Scott Smith, James Blythe Simpson, Joseph Sandars, Francis Sandars, John Sandars, John Robert Sharpe, John Sharpe, John Smith Clerk, Hugh Scott, Benjamin Strelley, John Harriet Smith, David Woodhouse. Strafford, William Smith, Thomas Smith, Anthony Storer, Francis Severn, William Siddall, William Turbutt, Richard Burrow Turbutt Clerk, Wotten Byrchinshaw Thomas, Samuel Tudor, Thomas Tempest, John Tempest, William Tempest, John Topham, William Topham, Henry Wilmot, Richard Wilmot, John Wright, John Wright the younger, Francis Wright, Marcus Wright, Thomas Wright, John Wood Clerk, Robert Wood, Hugh Wood, John Wood the younger, John Slater Wilkinson, Joseph Wilson, William Wilson, Joseph Wilson of Derby, George Wilson, William Waller, James Wheeler, William White, William M White, Gregory Winrow, Robert Whysall, Robert Woodward, John Woolley, Jonathan Woolley, James Woolley, Samuel Woolley, John Woolley the younger, William Henry Wayne, William Henry Wayne the younger, George Waters, Samuel Wragg, and their Successors, to be elected in the Manner directed by the said last recited Act, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road leading from *Alfreton* in the County of *Derby* to the Town of *Derby*, and for otherwise 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 otherwise provided for by this Act.*

Power to
appoint ad-
ditional
Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given in the Manner directed by the said last recited Act respecting the Appointment of Trustees on Vacancies) to elect, nominate, and appoint any Number of fit Persons not exceeding Five to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed shall be, and they are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been named and appointed by this Act.

Trustees to
be sworn.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless, being so qualified, he shall, before he shall act as a Trustee, (except in administering the Oath or Affirmation mentioned in the said last-mentioned Act, and the Oath or Affirmation hereinafter mentioned) take and subscribe, before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath or Affirmation following; (that is to say),

‘ I A. B.

I *A. B.* do swear, [*or being a Quaker, do solemnly affirm*], That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the general Turnpike Act*]. So help me GOD.

[*Or being a Quaker omit the Words, 'So help me GOD.'*]

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed: Provided nevertheless, that no Act or Proceedings touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee as aforesaid,

VII. And be it further enacted, That the said Trustees shall meet at some Place in the Town of *Derby*, within Fourteen Days after the passing of this Act, and proceed to put the said last recited Act and this Act into Execution. Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint such Collector or Collectors of the Tolls on the said Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them from Time to Time to remove, and on Removal, Death, or Resignation of any such Treasurers, Clerks, Surveyors, Collectors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Treasurers, Clerks, Surveyors, Collectors, and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Trustees shall deem reasonable. Appointing Officers, Salaries, &c.

IX. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them; and shall Former Officers to continue.

[*Local.*]

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shall

shall be subject to the like Rules and Regulations, and Pains and Penalties in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

X. 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 been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner 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, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, 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 this Act, or if any Person being the Partner 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, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such 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 Fifty 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, Suit, or Information wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

XI. 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, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the Road by this Act directed to be improved and repaired, 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 as the several Collectors and other Persons receiving any Money by virtue of the said last recited Act and this Act are required to pay or account for the same.

Books used under former Acts to be Evidence.

XII. 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, 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 Act had not been repealed.

Power to continue and erect Toll Gates, Toll Houses, &c.

XIII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may, and they are hereby authorized to continue or remove all or any of the Toll Gates or Toll Houses which have been erected in, upon, or across any Part of the said Road, by virtue of the said Act hereby repealed, and shall and may erect, or cause to be erected, such and so many other
Toll

Toll Gates and Toll Houses; Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Road; and also in, upon, and across such Parts and in such Places of the said Road by this Act directed to be widened, improved, or kept in Repair; and also such and so many Toll Gate or Toll Gates on the Sides of the said Road, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates: Provided always, that nothing herein contained shall be construed to extend to prevent the Trustees of a certain Turnpike Road, called the *Derby and Mansfield* Turnpike Road, at any Time hereafter, from erecting, or causing to be erected, a Weighing Engine on the Side of the said Road hereby directed to be repaired, at or near *Little Chester*, for the Purpose only of weighing and to weigh thereat all such Waggons, Carts, and other Carriages liable to be weighed by Law, which shall, with the Loading thereof, either previously thereto on the same Day have travelled upon, or shall afterwards on the same Day travel upon such Part of the said *Derby and Mansfield* Turnpike Road, as lies North-eastwardly of the *Little Chester* Toll Gate, belonging to the said last-mentioned Road, and to collect Tolls at the same Weighing Engine for Overweight, in respect of such Waggons, Carts, and other Carriages as aforesaid, for the Use of the Trustees of the said last-mentioned Road: Provided always, that no Toll Gate whatever shall be erected upon such Part of the said Road as lies between the Town of *Derby* and *Little Chester* Toll Gate.

Not to prevent Trustees of Mansfield Road from erecting a Weighing Machine at Little Chester.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses, erected by virtue of the said Act hereby repealed, on the said Road to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, (except such Part thereof as shall be within Fifteen Feet of the Centre of the Road), when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances (except as aforesaid), to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given, where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to sell the present Toll Houses.

XV. And

Power to
take Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates, already erected by virtue of the said first recited Act, upon the said Road to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or be erected thereupon, or in, upon, or across, or on the Side of any Street, Road, or Way leading into or out of any Part of the said Road; (that is to say),

Tolls.

For every Horse, Mule, or other Beast of Draught, drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, or Chair, or other such Carriage, the Sum of Three-pence :

For every Horse, Mule, Ass or other Beast of Draught, drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Waggon, Wain, Dray, Cart, Caravan, 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, the Sum of Four-pence :

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Waggon, Wain, Dray, Cart, Caravan, 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, the Sum of Five-pence :

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Three Inches, the Sum of Sixpence.

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

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

And for every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Toll to be
paid before
Cattle pass
the Gates.

And the said respective Tolls shall (subject to the Restrictions and Exemptions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule, or other Beast; Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Road, by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Winter Toll.

XVI. And whereas it is apprehended that the above Tolls will not be sufficient for the Purposes of this Act; be it further enacted, That it shall and may be lawful for the said Trustees, or such Person or Persons as aforesaid, and he and they are hereby authorized and required, between the Thirty-first Day of *October* and the First Day of *May* in every Year, to demand and take, or cause to be demanded and taken, over and above the respective Tolls herein-before specified, One further Half Toll, in addition

addition to such respective Tolls, from all Persons who shall pass with any Horse, Cattle, or Carriage through any Turnpike already erected or to be erected by virtue of this Act.

XVII. Provided always, and be it enacted, That no Person shall be subject to pay the Tolls hereby or by the said last recited Act granted and made payable, at more than Three Toll Gates or Turnpikes on the same Day for or in respect of the same Horse or other Beasts, Cattle, or Carriage, for passing along the said Road (except as herein-after mentioned).

Road Tolls
not to be paid
at more than
Three Gates.

XVIII. Provided always, and be it further enacted, That no Person who shall have paid One whole Toll for passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate or Turnpike erected by virtue of the said first recited Act or this Act, shall be subject to any Toll for returning through such Toll Gate or Turnpike Once on the same Day before Twelve of the Clock at Night, with the same Horse, Cattle, Beast, or Carriage, but shall so return Toll-free (except as herein-after mentioned).

Tolls to be
taken but
once for
passing and
repassing.

XIX. Provided always, 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 Passengers or Goods for Payment, Hire, or Reward for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate with fresh Passengers or Loading, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and that the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, with a Ticket denoting a fresh Hiring.

Stage
Coaches, &c.
to pay each
Time of
passing.

XX. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage 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, Compost, or Manure, for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty, or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not

Exemptions
for agricul-
tural Pro-
duce.

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exceeding

exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Lime for
Manure
exempted
from Toll.

XXI. 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 Road, for any Horses or other Beasts drawing any Carriages loaded, or going empty to be loaded, or returning empty from having been loaded with Lime, to be solely used for improving or manuring 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 Road; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same: Provided always, 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 an Half on the Sole or Bottom of the Fellies thereof.

Abatement
of Tolls for
cylindrical
Wheels.

XXII. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels cylindrical, and of not less Breadth than Four and a Half Inches on the Soles thereof, and with the Axletrees fixed 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 an Halfpenny.

Wheels devi-
ating from a
flat Surface,
&c. to be
liable to the
same Toll as
Wheels of
less than
Three Inches
in Breadth.

XXIII. 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 a Quarter 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.

Trustees
restrained
from pulling
down Dwell-
ing Houses,
without Con-
sent of the
Owners.

XXIV. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Application
of the
Money.

XXV. 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 Act hereby repealed, for or in respect of the said Road, and by this Act directed to be kept in Repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied

applied in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Road by this Act directed to be kept in Repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of the said last recited Act and this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Act hereby repealed in respect of the said Road, and the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act: Provided always, that in the Application of the said Monies, a due Regard be had to the Interest of the Mortgagees of the said Road.

XXVI. And be it further enacted, That if at any Time any Person or Persons shall offer any Sum or Sums of Money on the Security of the Tolls of the said Road at any lower Rate of Interest than is now 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, 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 Interest: Provided always, that the remaining Securities uncanceled shall continue at the same Rate of Interest as was paid immediately before the passing of this Act.

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

XXVII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act, shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security made by virtue or in pursuance of the said recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any Thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the said Road.

Trustees not personally liable for Mortgages.

XXVIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said last recited Act and this Act, or either of them, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of the said recited Act and this Act, or either of them, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer; in pursuance of the Direction or Order

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the Trustees, &c. the same to be levied by Distress and Sale of the Goods of such Trustees or their Treasurer.

made

made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Acts and this Act, or any of them, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by Way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Warrant as aforesaid.

Regulations
as to Per-
formance of
Statute
Work.

XXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places liable to do Statute Work upon, or to contribute towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Derby*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect

effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Derby*, on Complaint made to such Justices by the Surveyor of the said Trustees.

XXX. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Trustees out of any Money now in the Hands of the said Trustees, or their Treasurer, or out of the first Money which shall arise by virtue of the said last recited Act and this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

For paying
the Expences
of the Act.

Public Act.

XXXI. 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.

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

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