



ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. xxvii.*

An Act for more effectually repairing and otherwise improving the Road from the East End of *Chapel Bar* in *Nottingham* to the new China Works near *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*, all in the Counties of *Nottingham* and *Derby*.

[12th April 1827.]

**W**HEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King George the Second, intituled *An Act for repairing and widening the Roads* 32 G. 2. c. 53. from *Grantham* in the County of *Lincoln*, through *Bottesford* and *Bingham*, to *Nottingham Trent Bridge*, and from *Chappel Bar*, near the West End of the Town of *Nottingham*, to *Saint Mary's Bridge* in the Town of *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*; whereby the said Roads were divided into Two Districts, and the Roads leading from *Chapel Bar*, near the West End of the said Town of *Nottingham*, to *Saint Mary's Bridge* in or near the said Town of *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*, were declared and should be deemed to be the Second District of the said Roads: And whereas an Act was passed in the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of so much of an Act made in the Thirty-second Year of the* 20 G. 3. c. 73.

[Local.]

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- Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Roads from Grantham in the County of Lincoln, through Bottesford and Bingham, to Nottingham Trent Bridge, and from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry,' as relates to the Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty King George the Third, intituled*
- 39 G. 3. c. 12. *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts made in the Thirty-second Year of the Reign of His late Majesty King George the Second and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening certain Roads leading to and from the Towns of Nottingham and Derby, so far as relates to the Road leading from Chappel Bar, near the West End of the Town of Nottingham, to Saint Mary's Bridge in the Town of Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry: And whereas an Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty King George*
- 59 G. 3. c. 6. *the Third, intituled An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing certain Roads therein mentioned, so far as relates to the Road leading from Chapel Bar, near Nottingham, to Saint Mary's Bridge in Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry: And whereas the Trustees for executing the said several recited Acts, so far as the same relate to the said Road comprised in the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third, have made great Progress in repairing the Road thereby directed to be repaired; for which Purpose they have borrowed, upon the Credit of the Tolls thereby continued, several considerable Sums of Money, which still remain due and owing, and cannot be paid off, nor can the same Road be sufficiently and effectually amended, widened, altered, improved, and kept in repair, unless the Term granted and continued by the said recited Acts be further continued, so far as relates to the Road leading from Chapel Bar in Nottingham to the new China Works near Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry: And whereas an Act was passed in the Third Year of the Reign*
- 3 G. 4. c. 126. *of His present Majesty King George the Fourth, 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 an Act was passed in the Fourth Year of the Reign of His said present*
- 4 G. 4. c. 95. *Majesty, intituled An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled*
- 5 G. 4. c. 69. *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:*

And whereas it would be productive of great public Utility if the same Road were directed, declared, and enacted to commence from and at the East End of *Chapel Bar* in *Nottingham*, instead of at *Chapel Bar* aforesaid, and to continue and lead from thence to the new China Works near *Derby* aforesaid: And whereas the said Road is in many Places narrow and incommodious, and it would be of great public Convenience and Advantage if the same were widened and altered in such Places as shall be deemed necessary: And whereas it would be more convenient if the said recited Act of the Thirty-second Year of the Reign of His said Majesty King *George* the Second, so far as the same relates to the Road leading from and to the said Towns of *Nottingham* and *Derby*, and to *Sawley Ferry*, and also if the said recited Acts of the Twentieth, Thirty-ninth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, were repealed, and further, better, and more effectual Powers granted, as well for effecting the several beneficial Purposes aforesaid, as for more effectually repairing, widening, extending, and otherwise improving the said Road leading from the East End of *Chapel Bar* in *Nottingham* to the new China Works near *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, so far as the same relates to the Road leading to and from the Towns of *Nottingham* and *Derby*, and to *Sawley Ferry*, and also the said recited Acts passed in the Twentieth, Thirty-ninth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby repealed; and on the same Day this Act shall commence and take effect instead thereof, and shall, together with the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, diverting, altering, and from Time to Time improving and keeping in repair the said Road leading from the East End of *Chapel Bar* in *Nottingham* to the new China Works near *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*.

Recited Acts of 32 G. 2., 20, 39, and 59 G. 3. repealed, and this Act to take effect.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said present Majesty, or expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures,

Powers of General Turnpike Acts extended to this Act.

Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof respectively as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Term  
and Tolls  
liable to  
Debts under  
former Acts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed, or any of them, at the several Turnpikes and Toll Gates erected upon, across, or by the Sides of any Part of the said Road, from the East End of *Chapel Bar* in *Nottingham*, to the new China Works near *Derby*, and from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*; and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Acts and of this Act, or any of them, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe, or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said Acts hereby repealed and this Act, or to any other Person or Persons for the Benefit of the said Road, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

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

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing any of the said Acts hereby repealed, or to or with the Clerks or Treasurers, or any other Person or Persons on behalf of the said Trustees, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are or shall be fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed, or by any of their Officers by their Order or Direction, to or with any Person or Persons, so far as the same are not altered or avoided by this Act, shall remain in full Force and Effect, and shall be observed and kept by the Trustees for executing this Act, and by the other respective Parties to such Contracts and Agreements, according to the Terms and Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said Acts.

Officers  
under former  
Acts to ac-  
count; and

V. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money by virtue and in pursuance of the said Acts hereby repealed, or on account

account of the said Road hereby directed to be repaired, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the same Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and this Act.

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

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

Books used under former Acts to be Evidence.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Nottingham* and *Derby*, together with the Honourable *Nathaniel Curzon*, the Honourable and Reverend *Frederick Curzon*, the Honourable and Reverend *Alfred Curzon*, the Honourable *George Vernon*, Sir *Robert Wilmot of Chaddesden*, Baronet, *Robert Almond*, *George Allcock*, *John Attenburrow*, *George Berry*, *John Balguy*, *John Balguy* the younger, *Brian Thomas Balguy*, *Charles George Balguy*, *John Beaumont*, *Francis Bradshaw*, *Francis Bradshaw* the younger, *Thomas Bent* Doctor of Medicine, *John Bingham*, *Thomas Bingham*, the Reverend *William Barber*, *Thomas Barber*, *John Barber*, *Joseph Bainbrigge*, *Thomas Bainbrigge*, *John Bruckfield*, *Richard Brown*, *John Bing*, *Thomas Boden*, *Thomas Roby Burgin*, *Thomas Bridgett*, *Joseph Bridgett*, *William Briggs*, *Francis Braithwaite*, *Joseph Braithwaite*, *Robert Burgess*, *Robert Booth*, the Reverend *John Burnside*, *William Stanford Burnside*, the Reverend *William Joseph Butler*, *James Butlin*, *John Boden*, *John Bennett*, *Thomas Bennett*, *John Buttery*, *John Bigsby* Doctor of Medicine, Sir *Charles Colville*, *Edward Coke* the younger, the Reverend *Charles Evelyn Cotton*, the Reverend *John Chamberlayne*, *John Curzon*, *Charles Clarke*, *James Cade*, *Joseph Cade*, *John Cox*, *Thomas Cox*, *Roger Cox*, *George Cox*, *Henry Cox*, *Richardson Cox*, *William Thomas Cox*, *Samuel Walker Cox*, *Edward Calvert*, *John Chatterton*, *John Chatterton* the younger, *James Cowlisham*, *John Cowlisham*, the Reverend *William Cantrell*, *William Leigh Clowes*, the Reverend *Samuel Charlton*, *William Charlton*, *Joseph Churchill*, the Reverend *Leonard Chapman*, *James Dale*, *Owen Davies* Doctor of Medicine, *John Drewry*, *John Drewry* the younger, *James Drewry*, *Walter Evans*, *Samuel Evans*, *William Eaton*, *Thomas Eaton*, *Leonard Fosbrook* the younger, *Samuel Fox* the younger, *Edward Fox*, *Francis Fox* the younger, Doctor of Medicine, *Douglas Fox*, the Reverend *Samuel Fox*, *William Charles Flack*, *Charles Flack*, *Edward Flack*, *William Fox*, *John Michael Fellows*, *Alfred Fellows*, *Andrew Gideon*

Trustees.

[Local.]

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Fisher,

Fisher, Alexander Foxcroft, Alexander Harrington Foxcroft, John Foxcroft, Daniel Freith, William Flamstead, John Gill, Gregory Gregory, John Gisborne, Thomas Gisborne, John Nicholas Gell, the Reverend Philip Gell, John Sherbrooke Gell, John Gamble, Steven Gamble, Matthew Gamble, Richard Bennet Godwin, Robert Holden the younger, William Drury Holden, Alexander Atkinson Holden, Charles Holden, Bache Heathcote, Thornhill Heathcote, the Reverend Ralph Heathcote, Francis Hurt the younger, the Reverend John Hurt, Edward Nicholas Hurt, the Reverend John Hancock Hall, John Hancock Hall, Thomas Hall, Lawrence Hall, the Reverend Charles Stead Hope, the Reverend Charles Richard Hope, Thomas Haden, Henry Hadley, Henry Houldsworth, John Hadden, Alexander Hadden, William Hammond, James Hooley, Joseph Heath, George Hopkinson, George Hopkinson the younger, William Hopkinson, the Reverend William Howard, Richard Hooton, John Hopkinson, James Hopkinson, Thomas Hind, Francis Hardwick, Charles Homer, the Reverend Nathaniel Palmer Johnson, William Brooks Johnson, Francis Jessopp, Francis Johnson Jessopp, William Jessopp, John Jessop, Henry Jessop, William Jamson, Charles Watson Jenkins, Robert James, John Wright Killingley, Alfred Lowe, William Lowe, Richard Leaper, William Jeffery Lockett, William Lockett, Thomas Lowe, the Reverend Henry Lowe, Charles Lowe, Charles Lacy, Robert Leeson, Lewis Alsop Lowdham, Benjamin Maddock, Thomas Moore, John Musters, Samuel Matby, Thomas Matby, William Marsden Doctor of Medicine, Alexander Manson Doctor of Medicine, John Mills, Thomas Browne Milnes, John Mickleston Martin, William Metville, William Mundy, Oswald Mosley, the Reverend John Peploe Mosley, the Reverend Peploe Pagett Mosley, John Meynell, Thomas Mellor, William Euston Mousley, Henry Mosley, George Need, Matthew Needham, William Needham, Henry Nicholson Doctor in Divinity, the Reverend Charles Nixon, John Nixon, James Nixon, Thomas Nixon, Robert Leaper Newton, William Leaper Newton, Jacob Osborne, James Oakes, James Oakes the younger, Henry Orton, the Reverend Reginald Chandos Pole, John Pares, Thomas Pares, William Pike, Walter Pike, the Reverend Henry Peach, Thomas Peach Doctor of Medicine, John Peach, the Reverend William Peach, Sinckler Porter, Henry Pilkington, Robert Peach, Robert Padley, Samuel Parsons, Samuel Potter, Joseph Pearson, Charles Pennington Doctor of Medicine, Henry Percy, John Pearson, John Parker, William George Richardson, Martin Roe, Frederick Robinson, John Radford the younger, Samuel Richardson Radford, Thomas Radford, Walter Ruding, Samuel Rowland, Nathaniel Storey, James Swettenham, William Strutt, George Benson Strutt, Joseph Strutt, Jedediah Strutt, Anthony Strutt, John Strutt, Edward Strutt, William Simpson Doctor of Medicine, James Blyth Simpson, the Reverend Robert Simpson, Edward Simpson Jeweller, Charles Simpson, Edward Simpson, Edward Degge Sitwell, Robert Sacheverell Sitwell, Charles Sitwell, Thomas Carpenter Smith, George Smith, William Smith, Henry Smith, Samuel Smith, John Smith, John Henry Smith, the Reverend John Fleming Saint John, the Reverend John Swain, James Sutton, James Sutton the younger, James Soresby, James Soresby the younger, the Reverend George Sanders, Joseph Sanders, Francis Sandars, John Sandars, Francis Severn, James Severn, Hugh Scott, Christopher Swann, William Stretton, George Stretton, Caractacus D' Aubigny

*D' Aubigny Shilton, Octavius Sterland, the Reverend John Burnet Stuart, Henry Sleight, John Sherwin Sherwin, Edward Skipwith, Henry Scorer, Joseph Skidmore, James Sadler, Samuel Tudor, Thomas Tollinton, William Taylor, William Trentham, the Reverend Edward Unwin, the Reverend Richard Wilmott, the Reverend Richard Rowland Ward, John Webb, George Wade, John Wright, John Wright, Samuel Wright, Ichabod Wright, John Smith Wright, Ichabod Charles Wright the younger, William White, Robert Plummer Wedall, John Wallis, William Morledge White, John Lutton Webster, William Williams Doctor of Medicine, John Wilson, the Reverend Thomas Wilkinson, Richard Witten, Henry Willoughby, George Wilkins Doctor in Divinity, Digby Willoughby, Thomas Wakefield, John Emerton Woscomb, William Watson, Henry Youle, and their Successors,* being qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for putting this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty into Execution.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First and Second Meetings, or either of them, to be holden by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being qualified according to the Directions of the said Acts, shall be and they are hereby invested with the same Powers for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

Power to appoint additional Trustees.

IX. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Road on the Second *Monday* next after the passing of this Act, and proceed to put this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty into Execution; and the said Meeting shall and may be adjourned from Time to Time, to such Times, and such Places within, upon, or near to the said Road, as the said Trustees shall think proper.

First Meeting of Trustees.

X. And be it further enacted, That each and every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under and by virtue of the said recited Acts hereby repealed, or any of them, shall hold their several and respective Offices and Employments until they shall respectively be removed therefrom by the said Trustees; and each and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers

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

Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if they had been respectively nominated and appointed under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty or this Act.

Clerk and  
Treasurer  
not to be the  
same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, to be the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint the Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, to be the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill or Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

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

XII. And be it further enacted, That it shall be lawful for the said Trustees either to continue or remove all or any of the Turnpikes and Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines which now stand upon, across, or on the Sides of the said Road, and also from Time to Time to erect and set up, in addition thereto respectively or in lieu thereof, one or more Turnpike or Turnpikes,  
Toll



Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, Toll House or Toll Houses, and Weighing Machine or Weighing Machines, in, upon, across, or on the Sides of any Part of the said Road, and also to erect and provide, or cause to be erected and provided, such Toll Houses, with suitable Outbuildings thereto, and also to inclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, as the said Trustees may judge proper; and shall and may cause all or any of such Turnpikes or Toll Gates, Bars, Chains, Weighing Machines, and Toll Houses, from Time to Time to be taken down and set up again, and to be removed or altered and placed in such other Situations upon, across, or on the Sides of the said Road as they the said Trustees shall judge proper.

XIII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time hereafter erect or place, or cause to be erected or placed, any Turnpike or Toll Gate, Bar or Chain, upon any Part of the said Road leading from and to the Towns of *Nottingham* and *Derby*, between the Two Turnpikes or Toll Gates at present standing on the said Road, or between any Turnpikes or Toll Gates to be erected instead thereof, no Person or Persons who shall have paid Toll for or in respect of any Horse, Cattle, Beast, or Carriage passing through either of the said Turnpikes or Toll Gates now standing on the said Road, or any other Turnpikes or Toll Gates to be erected instead thereof, and producing a Note or Ticket denoting the Payment of such Toll, shall be subject or liable to the Payment of any Toll for or in respect of the same Horse, Cattle, Beast, or Carriage passing on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) through any such intermediate Turnpike or Toll Gate, Bar or Chain, to be erected as first aforesaid, but shall so pass Toll-free; but no Person or Persons shall be exempt or be discharged from Payment of Toll for or in respect of any Horse, Cattle, Beast, or Carriage passing through either of the said Turnpikes or Toll Gates at present standing on the said Road, or any other Turnpikes or Toll Gates to be erected instead thereof, on account or by reason of the same Horse, Cattle, Beast, or Carriage having before on the same Day (to be computed as aforesaid) paid Toll at or passed through any such intermediate Turnpike or Toll Gate, Bar or Chain, to be erected as first aforesaid.

Provision in case of any Toll Gate being erected between the present Toll Gates.

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

Power to take Tolls.

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

Tolls.

[Local.]

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For

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

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

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

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

For every Drove of Oxen or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per Score*, and so in proportion for any greater or less Number :

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Ten-pence *per Score*, and so in proportion for any greater or less Number :

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

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

Tolls vested  
in Trustees.

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

Tolls to be  
taken but  
once for  
passing and  
repassing.

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

Toll to be  
again paid  
after passing

XVI. And be it further enacted, That if any Horse, Cattle, or Beast, drawing any Description of Carriage, or not drawing, shall pass

or go a Third Time or oftener in the same Day through all or any of the said Turnpikes or Toll Gates, the Person or Persons having the Care of the same shall be liable and compellable again to pay the Tolls hereby imposed, in the same Manner as such Person or Persons is and are and would have been liable in case Toll had not before on the same Day been paid in respect of the same Horse, Cattle, or Beast, or the same had not before on the same Day passed through any of the said Turnpikes or Toll Gates.

and repassing.

XVII. And be it further enacted, That no more than Two full Tolls shall be demanded or taken on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), for or in respect of the same Horses, Cattle, Beasts, or Carriages, (except as herein-after mentioned,) for passing and repassing through all the Turnpikes or Toll Gates maintained and supported upon the said Road by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act; but all and every Person and Persons, after having paid such Two full Tolls as aforesaid, and producing a Note or Ticket or Notes or Tickets denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Beasts, and Carriages Toll-free during such Day (to be computed as aforesaid) through all and every the Gate and Gates, Turnpike and Turnpikes erected on the said Road, or across any Road or Way leading out of or into the same (except as herein-after mentioned); and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis* on Receipt of the Toll in manner aforesaid.

No more than Two full Tolls to be paid for the same Horses, &c.

XVIII. 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 or conveying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Road, in like Manner as if no Toll had been before paid on the said Road; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day (to be computed as aforesaid), as often as a fresh Hiring thereof shall take place.

Stage Coaches to pay each Time of passing and repassing:

Post Chaises on every new Hiring.

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

Abatement of Tolls for Cylindrical Wheels.

XX. Provided always, and be it further enacted, That all Waggons, Carts, or other such Carriages, having at the Time of the using thereof Wheels which shall deviate more than One Quarter of an Inch from a flat

Wheels not having a flat and level Surface liable

to the same  
Toll as nar-  
row Wheels.

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 Tolls as Carriages with Wheels of less than Four Inches and a Half in Breadth on the Soles thereof.

Fractional  
Part of a  
Halfpenny in  
Tolls.

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

One Horse  
Carts may be  
weighed.

XXII. 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 to be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof, as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Application  
of Tolls and  
Money bor-  
rowed.

XXIII. And be it further enacted, That the Monies already received by virtue of the said recited Acts hereby repealed, and now in the Hands of the Treasurer or Treasurers for the said Road, and all Tolls and other Monies which may be collected or received under the Powers and Authorities of this Act or otherwise, and the Monies hereafter to be borrowed on the Credit of the Tolls by this Act granted, shall be applied, in the first place, in paying the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same; and in the next place, in paying and defraying the Interest of the Principal Money now due and owing on the Credit of the Tolls arising on the said Road hereby directed to be kept in repair, and which may be borrowed upon the Credit of this Act respectively, and in paying Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, and other Officers and Persons for the Time being employed by the said Trustees, and in defraying the Expences of erecting, removing, and keeping in repair the Turnpikes, Toll Houses, Side Gate, Side Bars, Chains, and Weighing Machines, and in amending, making, altering, widening, extending, improving, and keeping in repair such Part of the said Road as extends from the East End of *Chapel Bar* in *Nottingham* to the new *China Works* near *Derby*, and in otherwise putting this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty into Execution, in respect of and in relation to the said last-mentioned Part of the said Road; and from and after all the same last-mentioned Part of the said Road shall be well and effectually amended, altered, widened, improved, and repaired, then the Surplus of the said Monies, after defraying the several Charges and Payments before mentioned, or such Part of such Surplus

as

as the said Trustees shall from Time to Time think proper and necessary, shall be applied in repairing, widening, and improving the remaining Part of the said Road extending from the Guide Post in the Parish of *Lenton* to *Sawley Ferry*; and lastly, all Surplus of the said Monies which shall remain after defraying the several Charges and Payments aforesaid shall from Time to Time be applied in repaying the Principal Monies for the Time being due and owing on the Credit of the Tolls by this Act granted, and to and for no other Use or Purpose whatsoever.

XXIV. And be it further enacted, That before the said Tolls shall be let by private Contract or Tender, the said Trustees shall and they are hereby authorized, directed, and required to offer the same to be let by public Auction, in the Manner and according to the Direction of the said recited Act of the Third Year of the Reign of His said present Majesty; and if the Tolls shall be let by private Contract or Tender before the same shall have been offered to be let by public Auction as aforesaid, such Letting shall and is hereby declared to be null and void to all Intents and Purposes whatsoever; any thing in the said recited Act of the Third Year of the Reign of His said present Majesty or this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be offered by public Auction before they are let by private Contract.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees to lay out or expend, for any Purpose whatsoever, upon that Part of the said Road which extends from the East End of *Chapel Bar* in *Nottingham* to the Inn at the Top of *Sion Hill*, known by the Sign of *Sir John Warren*, any Money received by or vested in them by virtue of this Act.

Tolls not to be laid out in the Repair of Part of the Chapel Bar Road.

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

Trustees may borrow Money at a less Rate of Interest, to pay off existing Securities.

XXVII. And be it further enacted, That in all Places throughout the said Road hereby directed to be repaired, where any Entrance shall be from the said Road to any Field, Garden, Yard, or other Land or Ground, or to any Buildings from the said Road, or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by the Stoppage of Water, or by Carriages or Horses

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

[Local.]

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passing

passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor or Surveyors to the said Trustees, or other Person or Persons appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expence shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, Borough, or separate Jurisdiction within which such Default in Payment shall be made, or for the County, Borough, or separate Jurisdiction within which the Goods and Chattels of such Proprietor or Occupier shall be situate; and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Penalty for  
damaging  
Footpaths.

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

Lamps to be  
lighted at  
Toll Houses.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in Front of each and every the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper; and

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

XXX. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases, or Letting or Lettings of the Tolls on the said Road heretofore granted, shall, on any Day after the First Meeting of the Trustees under the Authority of this Act, cease, determine, and become void, in case Notice in Writing shall be given for such Purpose by the Clerk or Clerks to the said Trustees to, or left at the Toll House or Toll Houses for, the Lessee or Lessees, Farmer or Farmers of the said Tolls, or by such Lessee or Lessees, Farmer or Farmers, to the said Clerk or Clerks, Fourteen Days before the Time which shall be appointed for that Purpose; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, or Lettings, refuse or neglect to quit and deliver up the Possession of any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, or the Buildings and Appurtenances, and Garden and Ground thereto belonging, to the said Trustees, or to any Person or Persons 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, or shall have expired: Provided always, that the said Trustees shall, on or before the Day or respective Days specified in such Notice or Notices respectively as herein-before mentioned, and they are hereby authorized, directed, and required to make or tender a fair and just Compensation or Satisfaction to the present Lessee or Lessees of such Tolls, whose Leases or Agreements shall be intended to be so vacated as aforesaid, for the Loss or Damage which they, he, or she may or might thereby sustain (such Loss or Damage being calculated according to the Amount of the Tolls which were payable at the Time of such Leases or Contracts being entered into, and not according to the Amount of Tolls hereby made payable); and in case any such Lessees or Lessee, Farmers or Farmer, shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee, Farmers or Farmer, shall and may recover Compensation for the Loss or Damage sustained, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, and also (in case the Sum recovered shall be more than  
the

Leases and Lettings of Tolls may be vacated; but Satisfaction to be made to Lessees.

Trustees and Lessees may agree to continue existing Tolls.

the Sum tendered by or on behalf of the said Trustees) shall have and recover their full Costs of Suit: Provided also, that in case the said Trustees and the present Lessee or Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements, or Lettings, shall continue in force for the Remainder of the respective Terms for which the same, or any of them, shall have been granted or made, then and in such Case such Lessee or Lessees shall pay such Sum or Sums of Money, or such additional Rent, to the said Trustees, as such Trustees shall think fit, as a Consideration for the continuing of such Lease or Leases or Lettings; and in case of any Difference or Dispute respecting the Amount of such Sum or Sums or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House or Toll Houses shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessee or Lessees, and on Proof of Fourteen Days Notice of the Intention of such Lessee or Lessees having been given in Writing by such Lessee or Lessees to or left at the Office or Offices of the Clerk or Clerks of the said Trustees.

Power to make Diversions.

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

Plans and Books of Reference deposited with Clerks of the Peace.

XXXII. And whereas a Map or Plan, describing the Line of the said several intended Diversions and Alterations of, in, and upon such Part of the said Road as is situate in the Counties of *Nottingham* and of the Town of *Nottingham*, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same is and are intended to pass, hath been deposited at each of the Offices of the Clerks of the Peace for the said County of *Nottingham* and of the Town of *Nottingham*: And whereas a Map or Plan, describing the Line of the said several intended Diversions and Alterations of, in, and upon such Part of the said Road as is situate in the County of *Derby*, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same is and are intended to pass, hath been deposited at the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Maps or Plans and Books of Reference respectively shall remain in the Custody of the respective Clerks of the Peace for the said several Counties and the Town of *Nottingham*, to the end that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees, in making the said several Diversions and Alterations described in the said Maps or Plans respectively, shall not deviate more than One hundred Yards from the

Trustees not to deviate more than 100 Yards from the Line marked in the Plans, without Consent.

Line



Line or Lines specified in such Maps or Plans respectively, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

Misnomer  
not to pre-  
vent the  
Execution  
of this Act.

XXXIV. And be it further enacted, That nothing in the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, or either of them, shall prevent or hinder the said Trustees from taking and pulling down all or any of the said Houses or other Buildings and Premises, or entering upon, taking in, and using, for the several Purposes of this Act, all and every or any of the Gardens, Orchards, Yards, Plantations, Paddocks, and inclosed Grounds planted for Ornament or Shelter to any House, or as a Nursery for Trees, and other Hereditaments and Premises comprised and mentioned in the Schedule to this Act annexed; but the said Trustees shall and may and they are hereby especially empowered and authorized to enter upon, take possession of, and use all and every or any of the said Dwelling Houses and Buildings, Gardens, Orchards, Yards, Plantations, Paddocks, and inclosed Grounds, Hereditaments and Premises, for the Purposes of this Act, at such Time or Times, within the Space of Five Years, to be computed from the Day of the passing of this Act, as they may think proper, tendering or making Satisfaction to the Owners thereof and Persons interested therein for the Loss or Damage they may thereby sustain, and subject to the Regulations contained in the said recited Acts of the

Power to  
take down  
and use the  
Buildings,  
&c. com-  
prised in the  
Schedule;

[*Local.*]

5 K

Third

but if Trustees neglect doing so within Five Years, the Powers to be void, unless Owners, &c. consent.

Application of Compensation Money when amounting to 200l.

Third and Fourth Years of the Reign of His said present Majesty, or either of them, in Cases where the Parties neglect or refuse to treat, or by reason of Absence are or may be prevented from treating, or cannot agree in the Premises: Provided always, that if the said Trustees shall not, within the Space of Five Years after the passing of this Act, agree for, or cause to be valued and paid for, in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, the several Houses or other Buildings and Premises which they are by this Act empowered to purchase, take, and use, or so much thereof as they shall respectively deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given them for such Purpose only shall cease, determine, and be utterly void, except with the Consent of the Owners and Occupiers thereof respectively.

1 G. 4. c. 35.

XXXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His said present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall

be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Application when less than 200*l.* but amounting to 20*l.*

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

Application where less than 20*l.*

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for

In case of not making out Titles.

the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case any such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments respectively (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning or specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any  
Question  
shall arise  
touching the  
Title to  
Money.

XXXIX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities or other public Funds to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities or other public Funds, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under any such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities or other public Funds to be purchased with such Money, and also the Capital of the same, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that  
some

some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XL. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by them by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XLI. 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, whenever the Commissioners named in or appointed under or by virtue of the said Act shall rate, for any of the Purposes thereof, any Lands, Tenements, Hereditaments, or Premises situate by the Sides of and adjoining any of the Turnpike Roads extending into the said Borough, so much of the said 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 as full Force and Effect as if this Act had not been passed.

This Act not to abridge the Powers of the Derby Paving Act, 6 G. 4. c. 132.

XLII. 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.

Public Act.

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

Term and Continuance of this Act.

## The SCHEDULE referred to by the foregoing Act.

Nos on the Plan.	Owners, or reputed Owners.	Description of Property.	Parish.	County.	Occupiers.		
<i>County of Nottingham.</i>							
1.	Mrs. Lamb - -	A Close - -	} Stapleford	} Nottingham	Mrs. Lamb.		
2.	Ann Atkin - -	Garden - -			Ann Atkin.		
3.	Thomas Hall - -	A Close - -			William Hallam.		
3 (a).	Lady Warren - -	Ditto - -			John Barton.		
4.	Ditto - -	Garden - -			Ditto.		
5.	Ditto - -	Farm Yard - -			Ditto.		
6.	William Taft - -	Garden - -			Samuel Fearfield.		
7.	Samuel Daykin - -	Ditto - -			Amos Briggs.		
8.	William Daykin - -	Ditto - -			William Daykin.		
9.	Matthew Godber - -	Ditto - -			Matthew Godber.		
10.	Ditto - -	Cottage - -			Deborah Attenburrow.		
11.	George Attenburrow - -	Yard - -			George Attenburrow.		
12.	Ditto - -	Tenement - -			Ditto.		
13.	Ditto - -	Butcher's Shop - -			Francis Tomlinson.		
14.	Ditto - -	Yard - -			George Attenburrow.		
15.	Trustees of Widow Greasley - -	Holme Close, and Garden - -			William Greasley.		
16.	Woodborough School	A Close - -			Matthew Sheppard.		
17.	Edward Pepper - -	Garden - -			Edward Pepper.		
18.	Will. Holden - -	Gardens - -			Francis Tomlinson and Joseph Sills.		
19.	Matthew Sheppard - -	Ditto - -			Thomas Adkin and William Butler.		
20.	Trustees of Blue Coat School at Nottingham	Dwelling House - -			Mary Armitage.		
21.	Ditto - -	Ditto - -			Hannah Beighton.		
22.	Robert Hood - -	Old King's Head Public House - -			St. Nicholas in the Town of Nottingham.	Town and County of the Town of Nottingham.	James Horrocks.
23.	Samuel Maltby - -	Old Eclipse Public House - -					Samuel Holland.
24.	John Woodhouse - -	Dwelling House - -					John Woodhouse.
25.	William Inger - -	Ditto - -			William Inger.		
<i>For the County of Derby.</i>							
1.	Derby Canal Company	Bridge over public Drain - -	} St. Alkmund in the Borough of Derby.	} Derby	Derby Canal Company.		
2.	Ditto - -	Bridge over the Canal - -			Ditto.		
3.	Corporation of Derby	New Pasture - -			The Burgesses.		
4.	Ditto - -	Ditto - -			Ditto.		
5.	Ditto - -	Cowsley Field - -			Thomas Rowbotham.		
6.	Robert Bloor - -	Ditto - -			Robert Bloor.		
7.	Roger Cox - -	Ditto - -			John Henschley.		
7.	John Goodwin - -	Ditto - -			John Goodwin.		
8.	Sir Robert Wilmot, Bart.	Pingle - -			Samuel Stone.		
9.	John Goodwin - -	Cowsley Field - -			Stephen Thompson.		
10.	John Salisbury - -	Open Land - -			Unoccupied.		
11.	The Butterley Company	Garden - -			Thomas Clark.		
12.	Samuel Stone - -	House, Wharf, &c. - -	Samuel Stone.				

Nos on the Plan.	Owners, or reputed Owners.	Description of Property.	Parish.	County.	Occupiers.
14.	Sir Robert Wilmot, Bart.	Plantation - -	Chaddeston	Derby	Sir R. Wilmot, Bart.
15.	Ditto - - -	Ditto - - -			Ditto.
16.	Ditto - - -	Ditto - - -			Ditto.
17.	Ditto - - -	Pasture Field - -			John Steer.
18.	James Cade - -	Dakin Field - -			James Cade.
19.	Sarah Cade - -	Paradise Field - -			Joseph Lowe.
20.	William Harrison - -	Ditto - - -			William Harrison.
21.	Overseers of the Poor of Spoundon - }	Sitch Meadow - -			John Jerrom.
22.	William Morley - -	Ditto - - -			William Morley.
23.	Bryan Thomas Balguy	Stoney Cross - -			Bryan Thomas Balguy.
24.	Ditto - - -	Ditto - - -			Ditto.
25.	John Welsh - - -	Brickyard Field - -			John Welsh.
26.	Roger Cox - - -	Six Acres - - -			Roger Cox.
27.	Ditto - - -	Kitchen Croft - -			Ditto.
28.	Mary Osborne - -	Willow Close - -			Jacob Osborne.
29.	James Cade - - -	Bottom Close - -			James Cade.
30.	Ditto - - -	Lee Sitch - - -			Ditto.
31.	Ditto - - -	Ditto - - -			Ditto.
32.	William Coxon - -	Stoney Cross - -			William Coxon.
33.	William Grundy - -	Nells Croft - - -			William Tomlinson.
34.	Benjamin Brentnall - -	House, Garden, &c.			John Wilson.
35.	John Porter - - -	Garden, Encroachment	John Porter.		
36.	William Grundy - -	Stoney Lane Close	William Winterton.		
37.	Ditto - - -	Washpool Close - -	William Grundy.		
38.	John Rose Swindall - -	Corn Close - - -	Thomas Holland.		
39.	Ditto - - -	Borrow Field - -	Ditto.		
40.	Ditto - - -	Sweet-Thorn-Tree Close - - - }	Ditto.		
41.	Ditto - - -	Stable and Barn - -	Ditto.		
42.	Earl of Harrington - -	Home Close - - -	William Grundy.		
43.	John Rose Swindall - -	Cottage, Garden, &c.	Thomas Hall.		
	Ditto - - -	Ditto - - -	Mary Ordish.		
	Ditto - - -	Ditto - - -	Samuel Hall.		
	Ditto - - -	Ditto - - -	William Lomas.		
44.	Ditto - - -	Garden and Garden House - - - }	John Rose Swindall.		
45.	Henry Winterton - -	House, Garden, &c.	Henry Winterton.		
46.	John Walker - - -	House, Garden, } Malthouse, &c. - }	John Walker.		
		House, &c. - - -	John Houghton.		
47.	John Towle - - -	Ditto - - -	Richard Hamsley.		
		Ditto - - -	John Harrison.		
		Ditto - - -	John Newton.		
48.	John Porter - - -	House, &c. and Field	Bryan Barnes.		
49.	Ditto - - -	Garden - - -	Ditto.		
50.	Mark Porter, junior - -	Windmill Close - -	Mark Porter, junior.		
51.	Samuel Sims and John Sims - - - }	Croft - - -	Samuel Sims.		
		House, Garden, &c.	William Foss.		
		Ditto - - -	John Fowke.		
		Ditto - - -	Samuel Sims.		
52.	Ditto - - -	Ditto - - -	William Raynor.		
		Ditto - - -	Mary Porter.		
		Ditto - - -	Robert Foss.		
53.	Mark Porter, senior - -	Far Windmill Field	Ralph Gamble.		
54.	Robert Foss - - -	House, Garden, &c.	James Page.		
55.	John Scattergood - -	House, Garden, &c.	Ditto.		
56.	John Pares - - -	Prior Close - - -	Francis Grundy.		
57.	Ditto - - -	Nether Close - - -	John Lancashire.		
61.	Francis Grundy - - -	Draycott Mayer - -	Thomas Upton.		
62.	Earl of Harrington - -	Ditto - - -	Ditto.		
63.	Thomas Upton - - -	Orchard, Garden, &c.	Ditto.		
64.	Ditto - - -	Shop - - -	Ditto.		
65.	Mark Porter, senior - -	Garden - - -	Ditto.		
51.	Ockbrook	Derby	-		

Nos on the Plan.	Owners, or reputed Owners.	Description of Property.	Parish.	County.	Occupiers.		
70.	Hannah Widcroft -	Garden -	} Draycott -	} Derby -	Hannah Widcroft.		
71.	Ditto - - -	House, Barn, &c. -					Ditto.
72.	Ditto - - -	Orchard -					Ditto.
73.	John Newton -	Hopyard Field -					John Newton.
74.	Joseph Widcroft -	Ditto -					John Gill.
75.	Hugh Scott -	Nether Croft -					Hugh Scott.
76.	Ditto - - -	House, Garden, &c. -					Samuel Smith.
77.	Ditto - - -	Croft and Nursery -					Hugh Scott.
78.	Earl of Harrington -	Top Field -					John Lancashire.
79.	Thomas Jowett -	Old Field -					Thomas Jowett.
80.	Robert Foss -	Far Ground -					Robert Foss.
81.	Ditto - - -	Ditto -					Ditto.
82.	Mark Porter, junior -	Brick Kiln Close -					Mark Porter, junior.
83.	Hugh Scott -	Haregrove Field -					Benjamin Towle.
84.	Ditto - - -	The Lawn -			Hugh Scott.		
85.	Ditto - - -	Hill Close -			Ditto.		
86.	Thomas Cooper -	Nells Nook Field -			Thomas Cooper.		
87.	Ditto - - -	Back Close -			Ditto.		
90.	William Hodgkinson	Bank Field -	} Risley -	} Derby -	William Hodgkinson.		
91.	Ditto - - -	Charles Field -					Ditto.
92.	Ditto - - -	Derby Meadow Hill -					Ditto.
93.	Ditto - - -	Far New Field -					Ditto.
94.	Ditto - - -	Near New Field -					Ditto.
95.	Ditto - - -	Far Middle Shutt -					Ditto.

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