



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xcv.

An Act for more effectually repairing and improving certain Roads between the Towns of *Derby*, *Mansfield*, and *Nutthall*, in the Counties of *Derby* and *Nottingham*. [29th May 1830.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from Derby to Mansfield in the County of Nottingham, and several other Roads therein mentioned*: And whereas an Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fourth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for repairing and widening the Road from Derby to Mansfield in the County of Nottingham, and several other Roads therein mentioned'*: And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from Derby to Mansfield, and several other Roads, in the County of Nottingham*: And whereas the Trustees for executing the said recited Acts have proceeded to put the same into execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be repaid, nor can the said Road be sufficiently and effectually amended or

[Local.] 29 B kept

Recited Acts
repealed;

kept in repair, unless the Powers and Provisions of the said recited Acts be continued; and it would be more convenient to the said Trustees, and the said Roads might be better and more effectually repaired, improved, and maintained, if the said recited Acts were repealed, and if further, better, and more effectual Powers were granted instead thereof: And whereas since the passing of the said last-recited Act a new Piece or Line of Road hath been made, commencing at a certain Gate at the Extremity of the Parish of *Mansfield*, and terminating and leading into the Turnpike Road from *Mansfield* aforesaid to *Nottingham*, at or near to a certain Place called *Robin Downs Hill*, in lieu of so much of the old Road as led from the said Gate to and terminated at or near the Foundry in the Town of *Mansfield*; and it is expedient that the said new Piece or Line of Road should be included and be subject to the Powers and Provisions of this Act in lieu of the said Part of the old Road; but the 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 the Third *Monday* next after the passing of this Act the said recited Acts of the Fourth, Twenty-fifth, and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby respectively declared to be repealed, and null and void to all Intents and Purposes whatsoever.

and this Act
to take effect
for the Pur-
poses herein
mentioned.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put into execution, for and during the Term herein-after mentioned, for the Purpose of more effectually making, repairing, amending, widening, altering, and from Time to Time improving and keeping in repair the Roads herein-after described; that is to say, the Road commencing from the North-west Side of the Toll House at *Little Chester* in the County of *Derby*, where the same joins the *Derby* and *Alfreton* Turnpike Road, and from thence through the Liberties of *Little Chester*, *Breadsall*, *Morley*, *Smalley*, *Kidderstey*, *Heanor*, and *Langley*, over the River *Erewash* in the County of *Derby*, and from thence through the Liberties of *Eastwood*, *Brimsley*, *Selston*, *Felley*, and *Annesley*, to and into the *Nottingham* and *Mansfield* Turnpike Road at or near a certain Place called *Robin Downs Hill*; and also for more effectually making, repairing, amending, widening, altering, and from Time to Time improving and keeping in repair a Branch of Road from out of the said last-mentioned Road, commencing at *Eastwood* aforesaid, through the said Liberty of *Eastwood*, and the Liberties of *Newthorpe*, *Greasley*, and *Kimberley*, and extending to the West End of the Town of *Nutthall* in the said County of *Nottingham*; and also another Branch of Road from *Awsworth Chapel*, in the Parish of *Nutthall* aforesaid, to and into the said last-mentioned Branch of Road leading from *Eastwood* to *Nutthall* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Derby* and *Nottingham*, or

either of them, for the Time being, together with *Charles Arkwright, John Balguy the younger, Bryan Thomas Balguy, Thomas Barber, Thomas Barber the younger, John Barber, John Beaumont, Thomas Bilbie, Richard Thomas Bateman, John Bingham, Thomas Bingham, John Bourne, Gervase Bourne, Henry Robert Crewe Clerk, Edmund Lewis Crewe, Charles Hugh Crewe, John Harpur Crewe, D'Erwes Coke, Francis Lillyman D'Erwes Coke, Edward Soresby Cox, John Cox, Thomas Cox, Roger Cox, Henry Cox, John Curzon, John Chambers, Sir Francis Sacheverell Darwin, Walter Evans, Samuel Evans, Benjamin Frear, Edward Smith Godfrey, John Gamble, William Drury Holden, Robert Holden the younger, Atkinson Alexander Holden, Charles Stead Hope Clerk, Charles Robert Hope Clerk, John Hides Clerk, Thomas Howitt, Francis Tantum Howitt, George Hodgkinson, Francis Jessopp, William Jessop, Robert Jackson, Richard Leaper, William Lockett, Edward Miller Mundy the younger, Henry Mundy, George Mundy, John Musters the younger, William Musters, John Meynell, Charles Neal, Charles Nixon Clerk, Francis Newdigate the younger, William Leaper Newton, Charles Pelly Parker Clerk, Henry Percy, John Radford the younger, Samuel Richardson Radford, Alexander Radford, John Roleston Clerk, John Ray, Samuel Rowland, Edward Degge Sitwell, Robert Sacheverel Sitwell, William Sitwell Clerk, Charles John Sitwell, Benjamin Smith, Joseph Strutt, William Smith of Swarkeston Lowes, John Sanders, James Blythe Simpson, Thomas Tempest, the Honourable John Vernon Clerk, Richard Coke Wilmot Clerk, George Walker, Robert Plummer Weddall, Francis Wright, Richard Whingfield Clerk, John Wright of Derby, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.*

IV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any Meeting to be held for that Purpose, to elect, nominate, and appoint any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Five in the whole,) to be Trustees for the Purposes of this Act, in addition to those hereby nominated and appointed; and such Trustees to be from Time to Time so elected, nominated, and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *King's Arms* Tavern in the Town of *Derby*, or at some other convenient Place in the same Town, on the Fifth *Friday* after the passing of this Act, or as soon after as conveniently may be, and then and there proceed to put this Act into execution, and shall and may then and at all subsequent Meetings to be held for the Purposes of this Act from Time to Time adjourn to and meet at such Times respectively at *Derby, Heanor, or Eastwood*, as they shall think proper; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, or their Clerk by their Order, to call a Meeting of the said

First Meeting
of Trustees.

said Trustees, at any of the Places aforesaid, to transact general Business, such Meeting to be called by public Notice to be inserted in some Newspapers usually circulated in the Counties of *Derby* and *Nottingham*, and to be held not sooner than Ten nor exceeding Twenty-one Days from the Days of such Notice being given.

Power to
take Tolls.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer, or appointed or continued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) the several and respective Tolls or Sums of Money herein-after mentioned, at the several and respective Toll Gates and Turnpikes, Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being or continued or erected in, upon, or across, or on the Side or Sides of the said Roads, or any Part or Parts thereof; and the Tolls or Sums of Money to be levied and collected by virtue of this Act shall be and the same are hereby vested in the said Trustees, to be applied by them in the Manner herein-after directed.

No Money
to be laid out
in paving
Streets.

VII. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said recited Acts hereby repealed, or of this Act, shall be laid out in paving, cleansing, or repairing any Street within any Town through which the said Roads may pass; any thing herein contained to the contrary notwithstanding.

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Curricule, Berlin, Phaeton, Chaise, Chaise Marine, Calash, Car, Cabriolet, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding the Sum of Four-pence Halfpenny :

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

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

For every Horse or other Beast drawing any Van, Caravan, or other such like Four-wheeled Carriage, used for the Conveyance of Goods for Hire, Pay, or Reward, and built or constructed with Springs, any Sum not exceeding the Sum of One Shilling :

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling

Shilling and Eight-pence *per* Score, and so on in proportion for any less Number :

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

For every Four-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Two Shillings and Sixpence :

And for every Two-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling and Three-pence.

VIII. And be it further enacted, That no more than the Number of full Tolls herein-after mentioned (except herein-after provided to the contrary) shall be demanded or taken on the same Day for or in respect of the same Horses, Cattle, Beasts, or Carriages for once passing and repassing through all or any of the Turnpikes or Toll Gates erected or to be erected across or upon the Sides of the said Roads ; that is to say, between the Commencement of the said Road near the Town of *Derby* and the Termination of the said Road near the Town of *Mansfield*, Four full Tolls ; between the Commencement of the said Road near the Town of *Derby* and the said Town of *Nutthall*, Three full Tolls ; between the Commencement of the said Road near the Town of *Derby* and the said Town of *Heanor*, Two full Tolls ; between the said Town of *Heanor* and the said Termination of the said Road near the Town of *Mansfield*, Two full Tolls ; and between the said Town of *Heanor* and the said Town of *Nutthall*, Two full Tolls.

Limiting the Number of Tolls to be taken in One Day.

IX. And be it further enacted, That in case the Toll shall have been paid for the passing of any Horse, Beast, or Cattle through any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains now erected or to be erected upon, across, or on the Sides of the said Road, such Horse, Beast, or Cattle (except Horses or Beasts drawing any other or different Waggon, Wain, Cart, or other Carriage, or drawing any Stage Coach, Stage Waggon, Fly, Diligence, Van, Caravan, Cart, or other Carriage carrying Passengers or Goods for Hire or Reward, or any Carriage propelled or moved by Machinery,) shall (on a Ticket being produced denoting such Payment) be permitted to go and return once through the same Toll Gate, Turnpike, Side Bar, or Chain, Toll-free.

Horses, &c. having paid Toll may return Toll-free.

X. Provided always, and be it further enacted, That in case any Horse or Horses, or other Beast or Beasts, returning on the same Day through the same Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, or any of them, and drawing any other or different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, any such Horse or other Beast shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other Carriage, and the Tolls herein-before made payable shall be paid for every Time both of passing and repassing through every such

Horses drawing different Carriages to pay each Time of passing.

Toll Gate, Side Gate, Side Bar, and Chain, in like Manner as if no Toll had been paid thereat.

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

Post Chaises,
&c. on every
new Hiring.

XI. And be it further enacted, That the Tolls hereby made payable for or in respect of any Horse or Beast drawing any Stage Coach, Diligence, Van, Caravan, or other Carriage carrying Passengers or Goods for Pay, Hire, or Reward, or any Stage Coach, Diligence, Van, Caravan, or other Carriage propelled or moved by Machinery, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing through any of the said Turnpikes, Toll Gates, Side Bars, or Chains; and the Tolls hereby made payable for or in respect of any Horse or Beast which shall be let out to Hire, or any Horse or Beast drawing any Post Chaise or other Carriage which shall be let out to Hire, or any Carriage propelled or moved by Machinery which shall be let out to Hire, shall be payable and paid every Time of passing or repassing through any of the said Turnpikes, Side Bars, and Chains, whenever any new or fresh Hiring thereof shall take place: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, Caravan, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

One-horse
Carts may be
weighed.

XII. And whereas it frequently happens that Carts drawn by One Horse or by Two Oxen along the said Road carry a greater Weight than by Law is allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads drawn by One Horse or by Two Oxen only shall be allowed to carry Thirty Hundred Weight in Summer and Twenty-five Hundred Weight in Winter, including in each Case the Weight of such Carts, and no more; and all such Carts passing along the said Roads shall and may be weighed at any Weighing Machine now erected or hereafter to be erected on the said Roads, and the like additional Tolls be demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Fractional
Part of a
Halfpenny
in Tolls.

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

Tolls on
Waggon, &c.
having the
Nails project-
ing more than
a Quarter of
an Inch.

XIV. And be it further enacted, That the Toll to be taken by virtue of this Act for every Waggon, Wain, Cart, and other such like Carriages, having at the Time of using thereof the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above the Surface of such Tire, shall be the Sum of Ten Shillings, such
Sum

Sum to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty King George the Fourth, 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*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting beyond One Quarter of an Inch above the Surface of such Tire. 4 G. 4. c. 95.

XV. Provided always, and be it further enacted, That from and after the First Day of *January* which will be in the Year of our Lord One thousand eight hundred and thirty-two, all Waggons, Carts, or other such Carriages having at the Time of the using thereof Wheels which 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. Waggons, &c. with Wheels deviating from a flat Surface.

XVI. And be it further enacted, That all Horses, Beasts, and other Cattle drawing any Waggon, Wain, 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 the Axletrees fixed as mentioned and described in and by a certain Act of Parliament made and passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, shall be allowed an Abatement of One Third Part of the Tolls by this Act granted, except any fractional Parts less than a Halfpenny. Abatement of Tolls for cylindrical Wheels. 3 G. 4. c. 126.

XVII. Provided also, and be it further enacted, That no Exemption from any of the Tolls by this Act or by any other Act or Acts of Parliament granted, shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, Manure for improving Lands, Sough Tiles, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, or Fodder for Cattle, or Corn in the Straw, Potatoes, or other Agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above the Surface of such Tire, or having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half. No Exemption allowed in respect of Carriages having the Nails of the Tire projecting more than One Quarter of an Inch.

XVIII. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of any of the said Roads directed to be amended, repaired, or improved by virtue of this Act, if there shall be no Toll Gate erected thereupon respectively, and Tolls to be collected on each of the Roads to be repaired by this Act.

Tolls taken thereat; nor shall any greater Sum of Money be expended in the Repair of any such Roads than shall be collected at the Toll Gates or Turnpikes to be erected thereon, or received as Composition for Statute Duty thereon.

Soughing
Tiles, &c.
exempt from
Tolls.

XIX. And be it further enacted, That no Toll shall be demanded or taken at any of the Turnpikes or Toll Gates erected or to be erected on the said Roads for any Horses or other Beasts drawing any Carriages loaded, or going empty to be loaded, or returning empty after having been loaded, with Soughing Tiles, Bricks, Stones, or other Materials to be solely used for the Purpose of draining Lands or Grounds; and if any Person shall claim or take the Benefit of such Exemption, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Half to be paid to the Informer, and the other Half to the Treasurer of the said Roads; and in all Cases the Proof of the 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 the Wheels of less Breadth than Four Inches and a Half on the Sole or Bottom of the Fellies thereof, or having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above the Surface of such Tire.

Owners of
Collieries
may lay Rail-
ways across
the Roads.

XX. And be it further enacted, That the Owners or Occupiers of any Collieries situate in any of the Parishes through which the said Roads pass shall have Power and Authority to lay Railways across the said Roads from any Colliery situated as aforesaid, for the Purpose of conveying the Coal got at such Colliery to any Canal, Wharf, or other Place for the Sale or Delivery thereof: Provided always, that the Flanches of the Rails do not rise more than Three Fourths of an Inch high above the Surface.

Trustees
empowered
to erect a
Weighing
Engine at
Little
Chester.

XXI. And whereas under and by virtue of a certain Act of Parliament made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from Alfreton in the County of Derby to the Town of Derby*, it was provided that nothing in the said Act contained should be construed to extend to prevent the Trustees of a certain Turnpike Road, called the *Derby and Mansfield Turnpike Road*, (being the Trustees of the said herein-before repealed Acts,) at any Time thereafter from erecting or causing to be erected a Weighing Engine on the Side of the said Road by the said hereby-recited Act directed to be repaired at or near *Little Chester*, for the Purpose only of weighing, and to weigh thereat all such Waggons and other Carriages liable to be weighed by Law which should, with the Loading thereof, either previously thereto on the same Day have travelled upon, or should 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*, (being the Road comprised in this Act,) 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

Derby and *Mansfield* Turnpike Road; and it was also provided by the said hereby recited Act that no Toll Gate whatever should be erected upon such Part of the said Road as lies between the Town of *Derby* and *Little Chester* Toll Gate: And whereas it is expedient that the said Provisions should be continued and secured to the Trustees of this Act; be it therefore enacted, That the Trustees of this Act, or their Successors, shall and may at any Time hereafter erect or cause to be erected a Weighing Engine, with suitable and proper Accommodation for the Keeper thereof, in a convenient Situation on the Side of the said Turnpike Road called the *Alfreton* Turnpike Road, at or near *Little Chester*, for the Purpose only of weighing, and to weigh thereat all such Waggon 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, the said Roads comprised in this Act, and to collect Tolls at the same Weighing Machine for Overweight in respect of such Waggon, Carts, and other Carriages as aforesaid, for the Use of the Trustees of this Act; and no Toll Gate or Chain shall be erected upon such Part of the said *Derby* and *Alfreton* Turnpike Road as lies between the Town of *Derby* and *Little Chester* Toll Gate, (such Part of the said Road being the same which was relinquished by the Trustees of the hereby repealed Acts to the said *Alfreton* and *Derby* Turnpike Road Trustees,) nor any Toll be payable by reason of travelling on such Part of the said Road.

No Toll Gate to be erected between *Derby* and *Little Chester*.

XXII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which on the Day of the Commencement of this Act shall be remaining undisposed of, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit of such Tolls, and all other Monies which shall arise or be produced by virtue of this Act, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place in Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto respectively, with Interest for the same from the Time of advancing or disbursing the same; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the said Roads by this Act directed to be widened, improved, and kept in repair; thirdly, in defraying the Expences of diverting, widening, improving, and repairing the same Roads, and of erecting, altering, and repairing Toll Gates, Turnpikes, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of such Roads, and otherwise in executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums which have or shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and also the several Principal Sums of Money

Application of Tolls and other Monies.

which shall or may be hereafter borrowed and secured by virtue or for the Purposes of this Act.

Leases of
Tolls may be
vacated,
making Com-
pensation to
the Lessees.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held after the passing of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said recited Acts hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereunto belonging, shall cease and be vacated from and after Twelve o'Clock at Night on the Fourth *Monday* next after such Meeting; and from and after such Declaration and Order the same shall cease and be void to all Intents and Purposes (except as to the Right and Power of the said Trustees to receive and recover Payment of all Rent and Arrears of Rent, and Payments, to become due thereon): Provided always, that the said Trustees do and shall, on or before the said Fourth *Monday* after such Meeting as last herein-before mentioned, make or tender (which they are hereby authorized, directed, and required to do,) a fair and just Compensation or Satisfaction to the present Lessee or Lessees of such Tolls for the Loss or Damage which they, he, or she may or might thereby respectively sustain (such Loss or Damage being calculated according to the Amount of the Tolls which were payable at the Time of such Leases or Contracts being entered into, and not according to the Amount of the Tolls hereby made payable); and in case any such Lessee or Lessees shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessee or Lessees shall and may recover Compensation for the Loss or Damage to be sustained as aforesaid by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and shall likewise, in case the Amount recovered shall be more than the Sum tendered by or on behalf of the said Trustees (but not otherwise), have and recover their full Costs of Suit: Provided also, that in case the said Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, Agreements, or Letting shall continue in force for the Remainder of the Term or respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessee or Lessees shall pay such Sum of Money or such additional Rent to the said Trustees, as a Consideration for the Continuance of such Lease or Leases or Letting, as such Trustees shall think fit; and in case of any Difference or Dispute as to the Amount of the Sum or additional Rent to be paid, the same shall be settled by any Two Justices of the Peace for the said County of *Derby*, which they are hereby empowered to settle accordingly, on Application being made to them for that Purpose by such Lessee or Lessees, and on Proof of Fourteen Days Notice of his, her, or their Intention having been given in Writing by such Lessee or Lessees to be left at the Office of the Clerk of the said Trustees.

Entrance to
Fields to be
made with
hard Mate-
rials.

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

XXV. And be it further enacted, That this Act shall be deemed Public Act. 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.

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

