



ANNO TERTIO

# VICTORIÆ REGINÆ.

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## Cap. Ixiv.

An Act for making a Turnpike Road from *Greenhill Moor* to *Eckington* in the County of *Derby*.  
 [4th June 1840.]

WHEREAS it would be of great Public Utility if Powers were given to make and maintain a Turnpike Road from *Greenhill Moor*, in the Parish of *Norton* in the County of *Derby*, to *Eckington* in the same County; but the Authority of Parliament is requisite for effecting such Object: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Turnpike Road to commence at or near *Greenhill Moor* aforesaid, (communicating there with the Turnpike Road from *Greenhill Moor* to *Hernstone Lane Head Road*,) and thence to pass from, in, through, or into the several Parishes, Townships, and Places of *Norton*, *Dronfield*, *Eckington*, *Staveley*, *Greenhill*, *Dyche Lane*, *Coal Aston*, *Unston*, *Troway*, *Snowden Lane*, *Bramley Moor*, and *Marsh Lane*, or some of them, all in the said County of *Derby*, and to terminate at or near *Eckington* aforesaid, by a Junction with the Turnpike Road leading from *Sheffield* in the County of *York* to *Clown* in the County of *Derby*.

The Object and Powers of the Act defined.

[Local.]

16 F

II. And

Appoint-  
ment of  
Trustees.

II. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Offley Shore*, *Joseph Webster*, *John Bruno Bowdon*, *Henry Bowdon*, Reverend *Alexander Crawford Broomhead* Clerk, *Francis Rokeby Appleby*, Reverend *Jonathan Alderson* Clerk, *George Hodgkinson Barrow*, Reverend *Francis Foxlowe* Clerk, *George Arkwright*, Reverend *George Chandler* Clerk, *Hugh Parker*, *John Parker*, *Robert Arkwright*, *George Mower*, *Robert Newton Shaw*, *Thomas Kinnersley*, *Sir Francis Chantrey*, Reverend *Henry Pearson* Clerk, Reverend *William Pearson* Clerk, *James Jenkin*, *John Lupton*, *William John Bagshawe*, *Sir George Sitwell* Baronet, *Robert Ward*, *Broughton Benjamin Pegge Burnell*, *Sidney Oldale*, *William Hollingworth*, *Joseph Broomhead*, *Samuel Cecil*, *John Read*, *Edward Sacheverel*, *Chandos Pole*, *Henry Marwood Greaves*, *Samuel Lucas*, *Sitwell Rearsby Sitwell*, Reverend *Bernard Moore*, Reverend *Cornelius Heathcote Reaston Rodes* Clerk, *Joseph Ward*, *Henry Dixon*, *John Clarke*, *Jonathan Rhodes*, *William Newbold*, *George Henry Cavendish*, Lord Viscount *Milton*, *John Staniforth*, *Harvey Slagg*, *Joseph Brotherton*, *William Booker*, *George Jebson*, Reverend *William Spencer* Clerk, Reverend *David Clarke*, Reverend *William Smith* Clerk, Reverend *Francis Parker* Clerk, *Richard Swallow*, Reverend *William Boulbee* Clerk, *John Oxley*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby declared and appointed to be Trustees for carrying this Act into execution.

Power to  
appoint ad-  
ditional  
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, at their First or some subsequent Meeting, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named, and such additional Trustees, so elected and being duly qualified, shall have the same Powers and Authorities for carrying this Act into execution as if they had been herein expressly named.

First Meet-  
ing of Trus-  
tees.

IV. And be it further enacted, That the Trustees for carrying this Act into execution shall hold their First Meeting at the *White Hart* Inn in *Eckington* aforesaid, or at such other convenient House or Place near to the Road comprised in this Act as the said Trustees shall think proper, on the Fourth *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times and at such Places as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

Treasurer  
and Collec-  
tor to give  
Security.

V. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Person who shall be appointed to collect or receive or who shall have the Custody or Control of any Money belonging to the said Trustees, for the due Execution of his Office, before he shall enter thereupon.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the said Road herein-before mentioned of such Width as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Embankments, Ditches, Drains, Fences, and other Works on the Line of the said Road as they may think requisite, and for the Purposes aforesaid to divert, alter, widen, and improve any existing Highways in the Line of the said Road, or any Part or Parts thereof, and also (subject nevertheless to the several Provisions and Restrictions in this Act, and in the various Acts for regulating Turnpike Roads in *England*, contained) to take and use any Lands for the Purposes aforesaid, making or tendering Satisfaction to the Owners thereof and other Persons interested therein for the Damage which they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyor, Contractors, and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which such Road, and the several Works connected therewith, herein-before mentioned, or any of them, is or are intended to be made or to pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment, for entering or continuing upon such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any Stakes or other Marks used for the Purposes aforesaid, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

New Road  
may be made.

VII. And whereas Maps or Plans describing the Line of the said intended new Road, and the Lands upon, in, through, or over which the same is intended to be carried, together with Sections, and also Books of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Maps or Plans, Sections, and Books of Reference shall remain in the Custody of the said Clerk of the Peace; and all Persons interested in any Manner in the Lands described on the said Maps or Plans shall, at all seasonable Times, have Liberty to inspect and take Copies of or Extracts from the said Maps or Plans, Sections, and Books of Reference respectively, paying to the said Clerk of the Peace the Sum of One Shilling for every such inspection, and after the Rate of Sixpence for every Hundred Words copied therefrom; and Copies of or Extracts from the said Maps or Plans, Sections, or Books of Reference, or of any Part thereof, respectively certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

The Plan  
deposited  
with the  
Clerk of the  
Peace to re-  
main there,  
and be open  
to Inspec-  
tion.

VIII. And be it further enacted, That the said Trustees in making the said new Road shall have full Power and Authority to deviate from the Line delineated upon the Maps or Plans so deposited with the Clerk of the Peace as herein-before mentioned, provided no such Deviation shall extend to a greater Distance than One hundred Yards

Trustees  
empowered  
to deviate  
not exceed-  
ing 100  
Yards.

from

from the Line so delineated upon the said Maps or Plans, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be made; nor shall the said Power of Deviation, save as herein-after excepted, extend to enable the said Trustees to take or use for the Purposes of this Act any Lands, Tenements, or Hereditaments which are not numbered in the said Maps, and described in the said Books of Reference, although such Lands, Tenements or Hereditaments may be within the said Distance of One hundred Yards, without such Consent as aforesaid.

Trustees restrained from pulling down Dwelling Houses, &c. not mentioned in the Schedule without consent.

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Road shall not authorize the said Trustees to pull down or to take, use, or injure any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, unless the same have been erected or made subsequently to the Thirtieth Day of *November* last, except such as are mentioned in the Schedule to this Act annexed, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference or Schedule.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road and other Works in the Line or Course, and upon, in, through, or over the Lands delineated upon such Maps or Plans, although such Line or Course, or such Lands, or any of them, or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Maps or Plans, or Sections, or in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Derby*, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Limiting the Time for purchasing Property.

XI. And be it further enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act cause to be paid for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of the Road mentioned in this Act shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless the Owners and Occupiers of such Lands respectively as shall not have been so paid for shall consent to such Lands being subsequently taken and used for the Purposes of this Act, any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

XII. And

XII. And be it further enacted, That in case any Lands shall hereafter be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest in such Lands, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*), by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case such Lands shall be of any other Tenure the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold and Inheritance of Lands purchased to remain vested in the Vendors.

XIII. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes hereby authorized, then and in such Case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Right of Way to cease when Lands are not wanted.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands.

Trustees to have the same Powers of cutting and digging as Proprietors in Fee Simple.

XV. And be it further enacted, That in all Cases in which any Entrance shall be made from the said Road to any Field or Land adjoining thereto, 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 Owner or Occupier of such Field or Land, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner 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 Ten Days after Notice in Writing (setting forth this Provision) given to such Owner or Occupier, or left at his usual or last known Place of Abode, by the Surveyor to the Trustees, requiring such Owner or Occupier to make or repair the same, then it shall be lawful for the said Trustees, or for their Surveyor or any other Person acting by or under their

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

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 paid to the said Trustees by such Owner or Occupier (as the Case may be); and in case of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on the Behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the said County of *Derby*, (and which Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath of such Expences having been incurred, and of such Notice having been given as aforesaid,) and the Overplus (if any) shall be returned, on Demand, to the Persons whose Goods and Chattels shall have been so distrained and sold.

Power to  
erect Toll  
Gates, &c.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to erect or build on the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge proper, any Toll Gates or Toll Bars, Turnpikes, Toll Houses, and Weighing Machines, with Outhouses and Conveniences thereto, and to purchase, take in, and inclose suitable Garden Spots for such Toll Houses, not exceeding One Eighth Part of a Statute Acre to each Toll House, as they shall judge necessary, and also from Time to Time to alter or take down, and re-erect or re-construct, or to discontinue and remove the same, or any of them, as they the said Trustees shall from Time to Time think proper.

Power to  
take Tolls.

XVII. And be it further enacted, That it shall and may be lawful for the said Trustees, and their Lessees, Collectors, or other Person or Persons duly authorized by them, to demand and take, at every Turnpike, Toll Gate, Side Bar, or Chain to be erected by virtue of this Act, the following Tolls :

Tolls.

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, any Sum not exceeding Four-pence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches but not less than Four and a Half Inches, any Sum not exceeding Five-pence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches but not less than Three Inches, any Sum not exceeding Sixpence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Three Inches, any Sum not exceeding Seven-pence Halfpenny :

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

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding

ing Ten-pence *per* Score, and so in proportion for any greater or less Quantity :

And for every Drove of Calves, Hogs, Pigs, Sheep or Lambs, any Sum not exceeding Five-pence *per* Score, and so in proportion for every greater or less Quantity :

For every locomotive Steam Engine, or other mechanical Engine or Vehicle for propelling or drawing any Carriage, of whatsoever Description, and drawing One Carriage only, for the Conveyance of Passengers or Goods passing through any Turnpike, Toll Gate, Side Bar, or Chain erected or to be erected upon or by the Side of the said Road or any Part thereof, any Sum not exceeding Two Shillings :

For every additional Carriage for the Conveyance of Passengers or Goods propelled or drawn by any such Engine or any other mechanical Power, any Sum not exceeding One Shilling :

Which said respective Sums of Money shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the Manner herein-after directed.

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

Fractional Part of a Halfpenny in Tolls.

XIX. Provided always, and be it further enacted, That after the respective Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage whatsoever through any Toll Gate, Turnpike, Toll Bar, Side Bar, or Chain to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting such Payment on that Day, be permitted to pass Toll-free through the same, and also through such other Toll Gate, Turnpike, Toll Bar, Side Bar, or Chain, if any, as shall be expressed to be freed by the Ticket for such Payment, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock of the next succeeding Night (except as herein-after mentioned).

Tolls not to be taken twice in the same Day.

XX. Provided always, and be it further enacted, That no Exemption from any Toll by this Act granted shall be allowed for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with Lime or Lime Ashes for agricultural or other Purposes.

Restrictions on Exemptions.

XXI. Provided always, and be it further enacted, That not more than One full Toll and One Half of a Toll shall be taken for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing any Number of Times in the Course of the same Day, through all or any of the Toll Gates upon the said Road, except as herein after mentioned.

Limiting the Number of Tolls to be taken.

XXII. Pro-

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

XXII. Provided always, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts drawing Stage Carriages, of whatever Description, conveying Passengers for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriages along the said Road.

Horses let  
out to Hire  
to be sub-  
ject again to  
Toll on every  
new Hiring.

XXIII. Provided always, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts let out to Hire, whether for riding or for drawing Post Chaises or other such Carriages, and passing along the said Road, upon every Occasion of a distinct or new Hiring of such Horses or Beasts.

Weight of  
One Horse  
Carts limited.

XXIV. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse or other Beast upon the said Road shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Fifteen Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof.

One Horse  
Carts may be  
weighed.

XXV. And be it further enacted, That all Carts and other such like Carriages drawn by only One Horse or other Beast, upon the said Road, shall and may be weighed at any Weighing Machine to be erected upon the said Road, and the like additional Tolls may be demanded and recovered for the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Road drawn only by One Horse or other Beast, and to the Drivers and Owners thereof respectively.

Tolls may  
be collected,  
and Liability  
to repair  
shall be  
enforced,  
although  
the whole of  
the Road  
is not com-  
pleted.

XXVI. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable on such Part and Parts of the said Road by this Act authorized to be made as may from Time to Time hereafter be completed and opened for the Use of the Public, although the whole of the Road by this Act authorized to be made shall not at any Time hereafter be made and completed; and that all Persons who by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England* would be liable to the Repair of the said Road when wholly made and completed shall be and are hereby declared to be liable to the Repair of so much thereof as shall from Time to Time be completed and opened for the Use of the Public, although the whole of the said Road by this Act authorized to be made shall not at any Time hereafter be made and completed.

Application  
of Monies to  
be borrowed  
on Mort-  
gage of the  
Tolls and of  
the Tolls.

XXVII. And be it further enacted, That all Monies which have been or shall be agreed to be lent, and which shall be borrowed on Mortgage of the Tolls by this Act authorized to be taken, shall be applied and disposed of by the said Trustees in manner following, that is to say, in the first place, in paying and discharging the Costs, Charges,



Charges, and Expences of obtaining and passing this Act, and otherwise incident thereto, and in the next place, in making the said Road, and in erecting and providing the Toll Houses and Toll Gates; and that the Tolls to be taken by virtue of this Act shall be applied in manner following, that is to say, in Payment of all Wages, Salaries, and Disbursements of the Clerks, Treasurer, Surveyor, and other Officers to be employed by the said Trustees; in Payment of the Interest of the Monies which have been or shall be agreed to be lent and which shall be borrowed on Mortgage of the said Tolls as aforesaid; in repairing and amending the said Road, and in paying off the Principal Sums which have been lent on Mortgage of the said Tolls, but without Prejudice nevertheless to all the legal Rights of the said Mortgagees by virtue of the Mortgages to be to them granted.

XXVIII. And whereas, when the Road hereby authorized to be made shall be completed, some Parts of the Highways adjoining thereto or communicating therewith, and of the Footpaths leading into or out of the same, may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Road, or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held under this Act, after the making of the said Road, by Writing under their Hands and Seals, to order and direct that such Parts of the said Highways and Footpaths, or any of them, as they shall deem expedient, shall be diverted, and that such Part or Parts thereof as they shall deem useless or unnecessary shall be stopped up and discontinued at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever to use the said Highways or Footpaths, or such Part or Parts thereof as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway, common Footpaths or a common Footpath, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Footpaths so ordered to be diverted, stopped up, and discontinued as aforesaid, and also upon the principal Door of the Churches or Chapels (if any) belonging to the Parishes or Townships within which such Highways or Footpaths shall be situate, immediately before Divine Service upon Three successive *Sundays* next after the making of such Order, and shall also be inserted Twice in some public Newspaper usually circulated in the said County of *Derby*, for the Purpose of enabling any Person who may be aggrieved by the said Order to make his Appeal against the same as herein-after provided; nor shall any such Highway or Footpath be stopped up or discontinued, in case any such Person shall make any such Appeal within Four Calendar Months next after the making of such Order, until the Determination of such Appeal, nor at all if such Appeal shall be determined in favour of the Appellant.

Power to Trustees to stop up Highways and Footpaths.

Power of  
appeal  
against Order  
of Trustees.

XXIX. And be it further enacted, That it shall be lawful for any Person who may be aggrieved by the making of any Order by this Act authorized for diverting, stopping up, or discontinuing any such old Highways or Footpaths as aforesaid to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Derby* which shall be held within Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, to be signed by the Appellant, to the Clerk of the said Trustees for the Time being, or by leaving the same at the usual Place of Abode of such Clerk at least Twenty-one Days before such General or Quarter Sessions; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided always, that in case no Appeal shall be made within the Time aforesaid the said Order or Orders shall be final and conclusive on all Persons whomsoever.

Satisfaction  
to be made  
to the Own-  
ers of Lands  
through  
which any  
Diversions  
shall be  
made.

XXX. And be it further enacted, That Satisfaction shall be made to the Owner or Owners of the Land or Ground through which any such Diversion of the said Highways or Footpaths respectively shall pass, such Satisfaction to be made by the said Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*; and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies received by virtue of this Act.

Trustees, &c.  
declared  
competent  
Witnesses in  
Actions.

XXXI. And whereas by an Act passed in the Third Year of the Reign of His late 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*, it is enacted, that Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names of any such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in Actions or Suits in which they may be Plaintiffs or Defendants; be it therefore enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action or Suit, by reason of his being Plaintiff or Defendant in such Action or Suit.

For compel-  
ling Payment  
of Subscrip-  
tions.

XXXII. And be it further enacted, That the several Parties who, by themselves or their Agents, have already agreed, or who may hereafter agree, to lend any Money on Mortgage of the said Tolls, shall pay, and they are hereby required to pay, the respective Sums of Money by them respectively agreed to be lent, or such Parts and Proportions

Proportions thereof as shall from Time to Time be called for by the said Trustees, to such Persons and at such Times and Places as the said Trustees shall from Time to Time direct and appoint; and if any Party shall refuse or neglect to pay the Sum of Money so agreed to be lent by him, or such Part or Proportion thereof as shall be so from Time to Time called for by the said Trustees as herein-before mentioned, for the Space of One Calendar Month next after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Trustees to sue for and recover the same in the Name of any One of such Trustees, or of their Clerk or Treasurer for the Time being, with full Costs of Suit, in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, wherein no Essoign, Wager, or Protection of Law shall be allowed.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Road in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Tolls thereon.

No Money to be laid out in repairing Streets.

XXXIV. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word Lands shall be understood to include Messuages, Tenements, and Hereditaments as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of certain Terms employed in this Act.

XXXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Road by this Act authorized to be made from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Road to be subject to the Provisions of any general Act.

XXXVI. 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.

Public Act.

XXXVII. And be it further enacted, That this Act shall commence upon the Fourth *Thursday* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the next Session of Parliament.

Commencement and Continuance of Act.

## SCHEDULE to which the foregoing Act refers.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Premises.
<i>In the Parish of Norton in the County of Derby.</i>			
Offley Shore, Esquire -	- - - -	Offley Shore, Esquire	Plantation.
<i>In the Township of Coal Aston in the Parish of Dronfield in the County of Derby.</i>			
Offley Shore, Esquire -	- - - -	George Stevenson	Old Toll House. Land, formerly a Garden, now used as a Sawpit and Place for laying Wood upon. Coal-yard, Pit-hill, Coal-pit, Cabin, Smithy, and Coke Ovens.
Offley Shore, Esquire -	- - - -	Samuel Mellor is the Tenant for the Land or Site of the Premises, and William Booker and John Owen are the Under-tenants.	
<i>In the Parish of Eckington in the County of Derby.</i>			
Samuel Collis Outram -	- - - -	John Burrows -	Garden.
Ditto -	- - - -	Thomas Burrows -	Garden.
John Wheelhouse -	- - - -	John Wheelhouse -	Garden or Court.
Robert Hardy -	- - - -	Robert Hardy -	Court or Garden.
Sir George Sitwell, Baronet.	} - - - -	Robert Hardy -	Garden. Dairy. Orchard and Stack-yard.
The Trustees under the Will of the late Roger Belk, and Henry Festing and John Belk Festing.		- - - -	
Ditto -	- - - -	Robert Hardy -	Garden. Garden. Garden.
Ditto -	- - - -	Robert Hardy is the Tenant, and Joseph Turner is the Occupier or Under-tenant.	
The Trustees under the Will of the late — Frith and Christopher Alderson and Alfred Alderson.	- - - -	Benjamin Cousins -	Garden.
Ditto -	- - - -	Joshua Chapman is the Tenant, and Hannah Collins is the Occupier or Under-tenant.	Garden.
James Marsh -	- - - -	Joshua Chapman -	Garden.