Anno nono

Georgii III. Regis.

An Act to impower the Right Honourable Sir *Henry Cavendiſh* Baronet, to ſhut up certain Roads and a Foot Path in the Pariſh of *Doveridge*, in the County of *Derby*; and to oblige him to make and keep in Repair for the future a new Road and Foot Path in lieu thereof.

WHEREAS an open Road or Way from the Turnpike Road from Uttoxeter to Derby, oppoſite to the Croſs in Cowbage Field, to the North Side of the Back yard belonging to the Vicarage of Doveridge, containing in Length Twenty Chains; and Part of another open Road called Moſeley's Lane, from the Weſt End of a Barn formerly a Dwelling-houſe, and then called Moſeley's Houſe, to where it joins the Church Lane, containing in Length Eight Chains and Ninety Links; and alſo a Foot Path or Way from a Stile in the aforeſaid Turnpike Road, which enters into a Cloſe called Holloway Pingle, at the Bottom of the Red Hill, Preamble.

and leads to the South East Corner of a Close called Smith's Pingle, where it enters into the Church Lane, all in the Parish of Doveridge and County of Derby, are now used as publick Roads and a publick Foot Path: And whereas the making use of the said Roads and Foot Path is in many Respects inconvenient to Sir Henry Cavendish: And whereas the said Sir Henry Cavenish is willing, in case the said Roads and Foot Path be shut up and discontinued, to take upon himself to make a good Road for Carriages and Horses from the White Hart Inn, to the House now in the Occupation of Master Bathew; and likewise to make and maintain a good Foot Way or Path from the Cowbage Well to Wood's Gate; which Road and Foot Path will in all Respects answer the same Purposes, and be as commodious to the Inhabitants of the said Parish, and other Persons using the said Roads and Foot Path, as the said Roads and Foot Path intended to be stopped up are; and the said Sir Henry Cavendish is further willing to oblige himself, his Heirs, and Assigns, from time to time to keep and maintain the said intended new Road and Foot Path in good and sufficient Repair for ever: 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 the said Sir Henry Cavendish, his Heirs and Assigns, shall, as soon as conveniently may be after the passing of this present Act, sufficiently repair a Road for the commodious Passage of Carriages and Horses from the White Hart Inn, to the House now in the Occupation of Master Bathew; and likewise a good Foot Way or Path from the Cowbage Well to Wood's Gate.

Sir *Henry Cavendish* to repair the Road from the *White Hart Inn* to Mr. *Bathew's* House, *&c.*

And be it further enacted by the Authority aforesaid, That when and so soon as the said Road shall be completed and fit for the Passage of Carriages and Horses; and the said Foot Way or Path for the Accommodation of Foot Passengers, that then, and not before, it shall and may be lawful for the said Sir Henry Cavendish, his Heirs and Assigns, to shut up the said Road from the Turnpike Road from Uttoxeter to Derby, opposite to the Cross in Cowbage Field, to the North Side of the Back Yard belonging to the Vicarage of Doveridge; and also the Road called Moseley's Lane, from the West End of a Barn, formerly a Dwelling-house, and then called Moseley's House, to where it joins the Church Lane; and also the Foot Path or Way from a Stile in the

When new Road, *&c.* completed, the old Roads, *&c.* to be shut up.

aforesaid Turnpike Road which enters into a Close called Holloway Pingle, at the Bottom of the Red Hill, and leads to the South East Corner of a Close called Smith's Pingle, where it enters into the said Church Lane; and for that Purpose he and they shall and may cause to be erected and made such Fence or Fences across the said Roads and Foot Path, and at such Place or Places as he or they shall think fit, in order to prevent any Person or Persons whomsoever from making use of the said Roads or Foot Path as publick Roads or a publick Foot Path; and that from and after the Time that the said publick Roads and Foot Path shall be so shut up, it shall not be lawful for any Person or Persons, at any Time or Times, to use, claim, or demand, the said Roads or Foot Path, or any of them, upon any Account whatsoever, either with any Horse, Beast, Cattle, or Carriage, or as a Way or Path for Passengers on Foot; any Right, Claim, Usage, or Custom, to the contrary in any wise notwithstanding.

Sir *Henry Cavendish* to keep in Repair the new Road.

Provided always, and be it further enacted by the Authority aforesaid, That the said Sir Henry Cavendish, his Heirs and Assigns, shall at all Times hereafter continue to keep in Repair the said Road from the White Hart Inn to the House now in the Occupation of Walter Bathew, for Passage of Carriages and Horses, and also the Foot Way or Path from the Cowbage Well to Wood's Gate.

Inhabitants of Vicarage House, *&c.* to use a private Road over Sir *Henry Cavendish's* Grounds.

Provided always, and be it further enacted by the Authority aforesaid, That the said Sir Henry Cavendish, his Heirs and Assigns, shall at all Times hereafter allow to the Vicar of Doveridge and his Successors, and to all Persons inhabiting the said Vicarage House, and also to all Persons now inhabiting or who shall hereafter inhabit the House now in the Occupation of Elizabeth Shelton Spinster, free Liberty to use a private Road over his Grounds, from the said respective House, by Doveridge Mill, to the Turnpike Road leading to Uttoxeter.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in Pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County of Derby, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon,

General Issue.

and that the Matter or Thing was done in Pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County than the County of Derby, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Full Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

Full Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.