



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 7.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, and the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the Road leading from the Turnpike Road near the West End of the Town of *Chesterfield* to *Matlock Bridge*, and also the Road leading out of the said Road over *Darley Bridge* to *Cross Green*, and also the Road leading out of the said last-mentioned Road to the Turnpike Road near *Rowesley Bridge*; all in the County of *Derby*.

[19th March 1802.]

WHEREAS an Act was passed in the Thirty third Year of the Reign of His late Majesty King *George* the Second, intituled, 33 Geo. 2.
An Act for repairing and widening the Road from the Turnpike Road near the West End of the Town of Chesterfield to Matlock Bridge, and also the Road leading out of the said Road over Darley Bridge to Cross Green, and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowesley Bridge, in the County of Derby: And whereas an 21 Geo. 3.
[*Loc. & Per.*] E e Act

Act was passed in the Twenty-first Year of the Reign of His present Majesty, for enlarging the Term and Powers of the said Act: And whereas the Trustees appointed in or by virtue of the said Acts, have made great Progress in the Execution thereof, and have for that Purpose borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which, together with a large Arrear of Interest, still remain due; and that the said Roads cannot be effectually amended, widened, and kept in Repair, nor the said Sums of Money be repaid, unless the Term granted by the said Acts be further continued, and the Powers and Provisions thereof altered and enlarged; 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 recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such of them as are hereby varied, altered, or repealed, and such Part thereof as relates to Exemption from Stamp Duties) shall be and the same are hereby further continued, for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this present Act; and this Act, and the additional Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Monies now due on the Credit of the said recited Acts or either of them, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Acts and of this Act, and all Interest due and to become due for the same respectively.

Additional
Term grant-
ed.

Additional
Trustees.

II. And be it further enacted, That the Right Honourable Sir *Joseph Banks* Baronet, Knight of the most Noble Order of the Bath, *Thomas Barker*, *John Barker*, *George Bofsley* Clerk, *James Bofsley*, *John Mellor Brown*, *Samuel Brown*, *John Bunting*, *Thomas Bower* the younger, *Joseph Butler*, *Job Hart Price Clarke*, *Godfrey Clarke*, *John Cock*, *James Croft*, *Josiah Claughton*, *Thomas Dutton*, *Thomas Dunn*, *Francis Eyre*, *George Fletcher* Doctor of Physic, *Philip Gell*, *William Gell*, *Charles Gladwin*, *George Gosling*, *Joseph Gratton*, *Joseph Gratton* the younger, *William Gill*, *Thomas Windsor Hunloke*, *Thomas Hallows*, *John Heaton*, *Edward Heathcote* Clerk, *George Holcombe* Clerk, *Mark Hewitt*, *Joseph Hoole*, *Joshua Jebb*, *Richard Jebb*, *Robert Jennings*, *Rickards Ince*, *Robert Lowndes*, *Thomas Lowndes*, *Edward Miller Mundy*, *Marmaduke Middleton Middleton*, *Robert Mason*, *Richard Wood Neville*, *John Nuttall*, *George Nuttall*, *Peter Acklam Reaston* Clerk, *John Rooth*, *William Robinson* the younger, *Sitwell Sitwell*, *Jonathan Stokes* Doctor of Physic, *Laurence Short* Clerk, *Thomas Smith*, *Ebenezer Smith*, *John Smith*, *William Stubbing*, *Robert Shirt*, *Thomas Sykes*, *Henry Bacbe Thornhill*, *William Thornhill*, *George Taylor*, *Wotton Byrchinshaw Thomas*, *William Wright*, *Adam Wolley*, *John Wood* Clerk, *Robert Wood*, and *William Wray*, shall be and they are hereby added to and joined with the surviving and remaining Trustees, appointed in or by virtue of the said recited Acts or either of them; and that the said several Persons herein-before named (being qualified as in the said first recited Act is mentioned), shall be, and they are hereby authorized and empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts or either of them.

III. And

III. And whereas by the said recited Act, passed in the Twenty-first Year of the Reign of His present Majesty, it is enacted, That from and after the First Day of *May* One thousand seven hundred and eighty-one, for every Horse, Mare, Gelding, or other Beast, drawing any Cart, Wain, or Waggon, the Fellies of the Wheels of which shall be of less Breadth than Six Inches, there shall be demanded and taken, in lieu of the Toll chargeable by the said first recited Act, on such Horse, Mare, Gelding, or other Beast, the Sum of Four-pence: Provided nevertheless that no more than the Toll imposed by the said first recited Act, shall be demanded and taken where any Cart, Wain, or Waggon, shall be drawn only by One Horse, Mare, Gelding, or other Beast; which Provision hath been found prejudicial to the said Roads, and it is expedient that the same should be repealed; be it therefore enacted, That from and after the passing of this Act, so much of the said Act, passed in the Twenty-first Year of the Reign of His present Majesty, as exempts any Cart, Wain, or Waggon, which shall be drawn only by One Horse, Mare, Gelding, or other Beast, from Payment of the Toll of Four-pence thereby granted and made payable, shall be and the same is hereby declared to be repealed.

Exemption
of One Horse
Carts from
Payment of
the Toll of
Four-pence,
repealed.

IV. And whereas by the said last recited Act it is enacted, That no Toll shall be demanded or taken at any Gate or Turnpike, erected or to be erected by virtue of the said Act or the said first recited Act, for any Dung, Manure, or Compost of any Nature or Kind whatsoever (Lime excepted,) for the manuring of any Garden, or other Land or Ground, within any of the Townships or Hamlets in which such Gate or Turnpike is or shall be erected, or for any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up, in the Time of Harvest, in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof, within any of the Townships or Hamlets in which such Gates or Turnpikes are or shall be erected, or for any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever to be employed in Husbandry, or for the manuring or stocking of Land in any of the Townships or Hamlets in which such Gates or Turnpikes are or shall be erected, or for any Turf, Heath, or Peat for Fuel, to be used by the Inhabitants of the said several Townships or Hamlets aforesaid, and got within the several Townships or Hamlets wherein the said Inhabitants respectively live, or for any Cattle, or Carriage laden with Lime for the Purpose of manuring and stocking of Land in the same Parish where such Lime shall be gotten and burnt, and used by the respective Inhabitants thereof: And whereas it would tend greatly to the Advantage and Preservation of the said Roads, if such Exemptions, so far as the same relate to Carriages with Wheels of less Breadth than Six Inches, and drawn by more than One Horse, Mare, Gelding, or other Beast, were repealed; be it therefore enacted, That from and after the passing of this Act, so much of the said recited Act, passed in the Twenty-first Year of the Reign of His present Majesty, as exempts any Waggon, Wain, Cart, or other Carriage, with Wheels of less Breadth than Six Inches, laden with any such Lading as aforesaid, and drawn by more than One Horse, Mare, Gelding, or other Beast, shall be and the same is hereby declared to be repealed.

Exemptions
as to Carriages
used in Hus-
bandry with
narrow
Wheels,
drawn by
more than
One Horse,
repealed.

V. And be it further enacted, That if, after any Adjournment of the Trustees, it shall at any Time be thought necessary that there should be

Meetings on
Emergencies.

an

an earlier Day of Meeting than the Day appointed by such Adjournment, then and in that Case the Clerk to the said Trustees, by an Order in Writing signed by Five or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice, by Writing to be affixed on all the Toll Gates then erected by virtue of the said recited Acts and of this Act, upon the said Roads, or by Advertisement in the *Derby* Newspaper, of the Time, Place, and Purpose which shall be mentioned in the Order of the said Trustees, such Time being not less than Ten Days after such Notice, and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as if such Meetings had been held in pursuance of Adjournment.

Trustees to sue and be sued in the Name of their Clerk or Treasurer.

VI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit.

Clerk or Treasurer to be repaid his Expences.

VII. Provided always, That every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the first Monies to arise by virtue of the said recited Acts and this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages, and Expences, as by the Event or in Consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Application of Compensation Money where amounting to 200^l.

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed 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 High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act; 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 Lands, Grounds, or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or other Hereditaments, or affecting other Lands, Grounds,

Grounds, or other Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or 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, Grounds, or other Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Grounds, or other 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, 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 mean Time 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, Grounds, or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, 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 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, Grounds, or other 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, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 Five or more of the said Trustees of the said Roads (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 thereon, may be applied in any 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 of Chancery.

Application where the Compensation Money shall be less than 100*l.* and above 20*l.*

X. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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, Grounds, or other Hereditaments so purchased, taken, or used for the Purposes of the said

Application where the Money is less than 20*l.*

Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, 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.

For paying
the Expence
of this Act.

XI. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid out of any Monies already raised by virtue of the said recited Acts, or out of the First Monies to arise by virtue of the said Acts and this Act, in preference to all other Payments whatsoever.

Publick Act.

XII. And be it further enacted, 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.

Term of Act.

XIII. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, upon the passing hereof, cease and determine; and that the said Acts and this Act shall from thenceforth continue to be in force, and be executed, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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