



ANNO QUADRAGESIMO QUARTO

# GEORGI II. REGIS.

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## Cap. 3.

An Act for continuing the Term, and altering and enlarging the Powers, of Two Acts, passed in the Fourth and Twenty-fourth Years of the Reign of His present Majesty King *George* the Third, for repairing and widening the Road from *Bramcote Odd House*, in the County of *Nottingham*, to the Cross Post upon *Smalley Common*, in the County of *Derby*; and other Roads therein mentioned.

[9th March 1804.]

WHEREAS an Act was 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 Bramcote Odd House in the County of Nottingham, to the Cross Post upon Smalley Common, in the County of Derby, and from Ilkeston, to the Towns of Heanor and Shipley, in the said County of Derby; and from Trowell in the County of Nottingham, to the Town of Nottingham*: And whereas another Act was passed in the Twenty-fourth Year of the Reign of His present Majesty, for enlarging the Term and Powers of the said former Act, except so far as related to the Road leading from *Ilkeston* to the Town of *Shipley*: And whereas the Trustees appointed in or by virtue of the said Acts, have made great Progress in repairing the said Roads, and have for that Purpose borrowed several considerable Sums of Money upon the Credit of the

4 G. 3.

24 G. 3.

[Loc. & Per.]

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Tolls

Acts further  
continued.

Tolls thereby granted, which still remain due, together with a considerable Arrear of Interest; and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term granted by the said Acts is further continued, and some of the Powers granted by the said Acts, altered, amended, 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 of the Fourth and Twenty-fourth Years of the Reign of His present Majesty King George the Third, and all the Powers, Provisions, Matters, and Things, therein contained (except such as relate to Exemptions from Stamp Duties, and as are hereby varied, altered, or repealed), shall be and continue in full Force, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments and Alterations herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Act hereby granted, shall be and they are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on Account of the said respective Acts, and also of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Acts or of this Act, and of all Interest now due and to grow due for the same respectively.

Additional  
Trustees.

II. And be it further enacted, That *Francis Agard, James Amys, George Almond, Thomas Antill, George Almond the younger, Robert Almond, Samuel Aislaby, the Reverend John Blanchard, Jonas Bettison, Francis Barber, Robert Barber, the Reverend Thomas Bigsby, Thomas Barber, Francis Braitbwaite, Charles Bloomar, George Burbage, Samuel Beardley, John Burnside, Charles Edward Badger, John Bell, John Bates, Fletcher Bullivant, Jonas Bradley, Edward Bardsley, Thomas Bolton, James Bellamy, Thomas Basnett, Lord George Augustus Henry Cavendish, Daniel Parker Coke, Thomas Charlton, John Chamberlin, Samuel Colclough, Edward Chatteris, William Clarke, Humphry Cox, John Cramond, the Reverend Leonard Chapman, Joseph Cooper, Benjamin Chambers, the Reverend William Clarke, William Cocks, John Chamberlin the younger, John Crossland, Robert Cowle, Robert Denison, Thomas Dufty, Thomas Webb Edge, William Elliott Elliott, John Elliott, the Reverend Barlow Evitts, George Fillingham, Daniel Freeth, Samuel Freeth, Alexander Foxcroft, John Firth, James Fidler, Samuel Fox, John Freeth, John Falkner, John Grey, Henry Garton, John Garton, Edmund Goodall, Thomas Green, the Reverend William Gill, Thomas Gelfthorpe, William Gould, John Gill, Sir Henry Hunlocke Baronet, Sir Henry Harpur Baronet, Benjamin Harrington, George Hopkinson, the Reverend John Hancock Hall, the Reverend Nathan Haines, William Harwood, Joseph Heath, William Huthwaite, John Hawley, Samuel Hulse, William Hammond, Henry Hall, Richard Hooton, James Hooley, Nathan Tempest Haines, Thomas Hill, William Jamson, Anthony Jackson, Richard James, James Northage James, Joseph Jackson Doctor in Divinity, Edward Jones, Peter Kendall, Jonas Kewney, John Wright Killingley, William Drury Lowe, Cornelius Launder, Samuel Lawson, Charles Lacey, John Longden, James Lees, Francis Lambert, William Lowe, Edward Miller Mundy,*

*Mundy, Edward Miller Mundy the younger, the Reverend Henry Case Moorwood, Thomas Maltby, James Maltby, Robert Metcalf, Thomas Mettam, the Reverend George Mettam, Charles Lomas Morley, Henry Moore, John Ball Mason, John Musters, Benjamin Maddock, John Henry Maddock, George Mellor, William Marsden, John Mills, George Mills, Jonathan Markland, John Newton, the Reverend Charles Nixon, John Nixon, John Need, Matthew Needham, George Nelson, Pendock Neale, James Nixon, William Nunn, William Nunn the younger, Langford Neville, Thomas Oldknow the younger, Thomas Oldham, Isaac Orme, Sir Thomas Parkyns Baronet, Robert Padley, James Potter, Thomas Pepper, John Place, the Reverend Thomas Pepper, William Pidcock, John Parker, Thomas Prentice, Richard Price, Daniel Paulet, Charles Pearson, Christopher Rolleston, John Radford, James Robinson, John Robinson, Martin Roe, William Rawbotham, William Roe, the Honourable Henry Sedley, the Reverend Robert Stanfer, the Reverend William Smelt, the Reverend Henry Smith, the Reverend George Saunders, Samuel Statham, John Sterland, Robert Summers, Edward Spencer, Robert Sykes, John Stanley, William Smith, Nathaniel Stubbins, Edward Swann, Christopher Swann, Alexander Strahan, George Stretton, William Stretton, John Simpson, Richard Storks, Richard Gregory Storks, William Stanley, John Smith, James Smith, Robert Strelly, Joseph Satterfield, John Swann, Edward Sterland, William Sanday, John Fry Stanford, William Smith, Edward Skipwith, George Sedley, William Turbutt, John Topott, James Tebbutt, Samuel Tupman, Thomas Tollinton, William Taylor, William Taylor, William Tatham, John Towle, Sir Robert Wilmot Baronet, Sir John Borlace Warren Baronet, John Wright, Ichabod Wright, John Smith Wright, Francis Wakefield, Samuel Wyer, Richard Webster, Hugh Wood, the Reverend John Wood, Joshua Ward, Thomas Walker, Edward Wilson, George Whitfield the elder, William Woodward, Thomas Wright, and George Whitfield the younger, shall be and they are hereby added to and joined with the Trustees for putting the said Acts and this Act into Execution; and that the said Trustees hereby appointed, and their Successors, being qualified according to the Directions of the said first recited Act, together with the Trustees appointed by or in pursuance of the said Act, shall be and are hereby authorized and empowered to put the said Acts and this Act in Execution.*

III. And be it further enacted, That so much of the said last-recited Act as enacts that no more than One-half of the full Toll thereby granted shall be taken at any Gate or Turnpike erected or set, or to be erected or set between the Town of *Wollaton*, and the Town and County of the Town of *Nottingham*, shall be and the same is and are hereby declared to be repealed.

Half Toll repealed.

IV. Provided always, and be it further enacted, That no more than One-half of the full Toll granted by the said recited Acts shall be taken at any Gate or Turnpike erected and set, or to be erected and set between the said Town of *Wollaton* and the said Town of *Nottingham*, for any Waggon, Wain, Cart, or other Carriage, laden only with Coals, or for the Horses or other Beasts drawing the same, or for any Horses or other Beasts carrying Coal.

Only Half-Toll on Coals at *Radford* Gate.

V. And whereas the Exemptions from Tolls granted by the said recited Acts, have been found inconvenient and detrimental to the said Road, be it therefore enacted, That the same shall be and they are hereby repealed;

Clause of Exemption from Tolls.

Mails.

Soldiers.

Rectors, &amp;c.

Materials for  
repairing  
publick Roads.

Manure.

Hay, Straw,  
or Corn in  
the Straw, to  
be stacked at  
Owners  
Dwelling  
House.Farming  
Implements.Cattle to  
Water and  
Pasture.Vagrants.  
Elections.Exemption in  
favour of the  
Inhabitants of  
*Wollaton, &c.*

repealed; and that from and after the passing of this Act, no Toll shall be demanded or taken for or in respect of any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers upon their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor shall any Toll be demanded of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or any other Place of Divine Worship, or visiting his sick Parishioners; nor of or from any Person or Persons going to or returning from his or their parochial Church or Chapel, or other Place of religious Worship, on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die or be buried in any Parish, Hamlet, or Place, through which the said Road passes; nor for or in respect of any Cattle or Carriage laden only with, or going for, or returning empty after being laden only with Gravel, Stone, or other Materials, for repairing the said Road, or any other publick Road or Highway; or any Dung, Mould, Lime, Soil, Marl, or Compost, for manuring any Grounds within any Parish in which any of the said Turnpikes or Toll Gates are or shall be erected, or in any of the next adjoining Parishes at such last mentioned Toll Gates; or with any Grass, Hay, Santfoin, Fodder, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or Premises, of the respective Inhabitants or Occupiers within such respective Parish, Hamlet, or Place, and carried for their own private Use and Consumption only, and not for Sale; nor for any Cattle drawing, or Carriage going with or going empty, or returning empty, after being laden only with any Plough, Harrow, or other Implement of Husbandry, belonging to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle going to or returning from Water, Pasture, Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes, Hamlets, or Places, or going to be shod or farried; nor for any Horses or Carriages travelling with Vagrants sent by Passes; nor of or from any Person or Persons, going to vote at, or returning from, any Election of a Member of Parliament for the Counties of *Nottingham* or *Derby* respectively, or for the Town of *Nottingham* or the Borough of *Derby*, on the Day before, or the Day or Days of such Election, or the Day after the same shall be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

VI. Provided always nevertheless, That the Inhabitants of the several Parishes of *Wollaton Trowell* and *Cossall*, in the County of *Nottingham*, shall have free Passage with their Horses, Cattle, Carts, and Carriages, loaded only with Dung, Mould, Soil, Marl, Lime, or Compost, for manuring the Grounds in any of such Parishes, at all and every the Toll Gates erected and to be erected on the said Road, between *Trowell* aforesaid and the Town of *Nottingham*, without Payment of any Toll whatever; any

any Thing herein-before or in the said recited Acts, or either of them, contained to the contrary notwithstanding.

VII. And be it further enacted, That if after any Adjournment of the Trustees it shall upon any Emergency be thought necessary that there shall be an earlier Day of Meeting than the Time fixed by such Adjournment, in that Case the Clerk or Clerks of 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 a Writing affixed on all the Toll Gates then erected by virtue of the said recited Acts, or by Advertisement in the *Nottingham* and *Derby* Newspapers, of the Time, Place, and Purpose, which shall be mentioned in the Order of the said Trustees (such Time being not less than Seven Days), 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 Adjournments.

Meetings on Emergencies.

VIII. And be it further enacted, That no Order made by the said Trustees at any of their Meetings, shall be revoked or altered unless at some Meeting to be held for that Purpose, of which Notice shall be given by Advertisement in the *Nottingham* and *Derby* Newspapers, or such of them as shall be then printed and published, Twenty-one Days at least before such Meeting (signifying the Occasion of such Meeting) nor unless a greater Number of Trustees shall attend at such Meeting to revoke and alter the same, and concur in the Revocation or Alteration thereof, than were present and made such Order.

No Order to be revoked without Notice of Meeting.

IX. And be it further enacted, That the said Trustees may sue and be sued for 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, nor by the Act of such Clerk or Treasurer, without the Consent of the Trustees, or any Five or more of them; but that the Clerk or Treasurer for the Time being to the said respective Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: 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 Money 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.

Trustees may sue in Name of their Clerk.

Clerk or Treasurer to be repaid his Expences.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order to be made Causeways or Footpaths on the Side of such Part of the said Road as lies between *Trowell* aforesaid and the Town of *Nottingham*; and if any Person or Persons shall ride upon any such Causeway or Footpath, or any Causeway or Footpath already made on the Side of such Part of the said Road as is

Power to make Causeways.

[*Loc. & Per.*]

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last

last mentioned ; or shall drive any Horse or Cattle, or Cart or Carriage, thereon ; or shall wilfully cause any Damage whatsoever to be done thereto, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

Directing the Application of Compensation Money, where exceeding 100 l.

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or 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, Lunatick, 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 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 or 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 or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, 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 Messuages, Lands, or 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 Messuages, Lands, and Hereditaments, which shall be so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect ; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 Purpose aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Compensation Money when less than 200 l. and above 20 l.

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or 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 or Hereditaments so purchased, taken,

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 for executing the said Acts and this Act (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.

XIII. 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 or Hereditaments so purchased, taken, or used, for the Purposes of the said 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.

Where less than 20<sup>l</sup>.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and

The Court may order reasonable Expenses of Purchases to be paid by the Company.

and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying  
the Expences  
of the Act.

XVI. And be it further enacted, That the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be paid by the said Trustees, or any Five or more of them, out of any Monies already raised by virtue of the said recited Acts, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

Publick Act.

XVII. And be it further enacted, That this Act shall be deemed, adjudged, 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.

Commence-  
ment and  
Continuance  
of the Act.

XVIII. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, on the passing of this Act, cease and determine; and that the said last recited Act and this Act (subject to the Alterations, Variations, and Additions herein-before mentioned) shall from thenceforth commence, continue, and 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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