



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. I.

An Act to continue and amend an Act passed in the Seventeenth Year of His present Majesty, for repairing the Road from the Town of *Derby* through *Ashborne* to *Hurdloe House* in the County of *Derby*.
[22d February 1805.]

WHEREAS an Act was passed in the seventeenth Year of the Reign of His present Majesty, intituled, *An Act for repealing so much of Two Acts, made in the Eleventh and Seventeenth Years of the Reign of King George the Second, for repairing several Roads leading to and from the Town of Derby, in the County of Derby, as relates to the Road leading from the Gaol Bridge, in the said Town of Derby, through the Town of Ashborne to Hurdloe House, in the said County, for making more effectual Provision for the Repair of the said Road, and for enabling the Trustees to alter Part of the Course of the present Road between Ashborne and the New Inn Turnpike: And whereas great Progress hath been made in repairing and widening the said Road, and several Sums of Money are now due and owing on the Credit of the Tolls thereby granted, which cannot be paid off, nor the said Road kept in Repair unless the Term of the said Act is further continued, and the Powers 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*

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lent

Act further
continued.

lent 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 Act, and all the Powers, Provisions, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and as are hereby repealed) shall be and continue in full Force, and shall be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and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; and this Act, and the additional Term hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the said Road; and of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Act, or of this Act, and of all Interest now due, and to grow due for the same respectively.

Additional
Trustees.

I. And be it further enacted, That *Richard Arkwright* the Elder, *Richard Arkwright* the Younger, *Robert Arkwright*, *Peter Arkwright*, *William Ackroyd*, *Armett*, *Hugh Bateman*, *Richard Bateman*, *Joseph Bainbrigge*, *John Bainbrigge*, the Reverend *Paul Belcher*, the Reverend *George Buckston*, the Reverend *Thomas Bingham*, *Richard Beresford*, the Reverend *Gilbert Beresford*, *William Beresford*, *John Beresford*, *Richard Buxton*, *Thomas Buxton*, *William Barnes*, *John Barnes*, *Edward Barnes*, *John Brownson*, *Anthony Bagshaw* the Elder, *Francis Bagshaw*, *John Bullock*, *John Cooper*, *John Douglas Cooper*, *Charles Collins*, *Edward Corden*, *Thomas Cox*, *Robert Dale* the Younger, *Thurstan Dale*, *Richard Dale*, *Court Dewes*, *Walter Evans*, *John Eglinton*, *William Etches*, *Charles Etches*, *Sir Henry Fitzherbert* Baronet, *Joseph Frith* the Elder, *Joseph Frith* the Younger, *Cornelius Flint*, *William Fidler*, *William Fletcher*, the Reverend *Thomas Gell*, *John Goodwin*, *Robert Docksey Goodwin*, *Joseph Gould*, *Richard Gould* the Elder, *Richard Gould* the Younger, *Timothy Greenwood*, *James Green*, *William Gould*, *William Hayne*, *Thomas Hayne*, the Reverend *Charles Steaaboep*, the Reverend *Robert Hodgson*, *Brian Hodgson* the Younger, the Reverend *Edward Hodgson*, *Christopher Harland*, *Henry Hayward*, *Richard Holland*, *John Hensworth*, *William Holyoak*, the Reverend *Thomas Leigh*, *John Langford*, *Robert Longden*, *Charles Meynell*, *Godfrey Meynell*, *Francis Mundy*, *Charles Mundy*, *John Matchet*, *Thomas Mottram*, the Reverend *Edward Pole*, *John Port* the Younger, the Reverend *Bernard Port*, *William Peach*, the Reverend *Benjamin Pidcock*, *John Riddlefden*, *Thomas Riddlefden*, *James Riddlefden*, *William Riddlefden*, *John Smith*, the Reverend *Samuel Shipley*, *William Sutton*, *William Smith*, *John Walker*, *William Walker*, *Edward Walker*, the Reverend *John Webb*, *John Whitham*, *Isaac Wheeldon* the Elder, *Isaac Wheeldon* the Younger, *George White*, and *Philip Waterfield*, (being qualified according to the Directions of the said recited Act), shall be and are hereby appointed Trustees, and shall be added to and joined with the Trustees appointed or elected by or in pursuance of the said recited Act, for putting in Execution the said Act, and this Act, and all the Powers thereby and hereby given and granted.

II. And

II. And be it further enacted, That from and after the passing of this Act the Exemptions granted by the said recited Act shall be repealed, and that no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road doth lie, or any Hay, Straw, or Corn in the Straw, only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Waggon, Wain, Cart, Carriage, or Horse, employed in carrying or conveying only, or going empty to carry or convey only or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same, or in carrying or conveying from Place to Place within the same Parish, any Mould, Dung, Lime, Marl, Sullage, Compost, or other Manure employed in Husbandry for manuring or improving Land, or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land within the several Parishes through which the said Road passes; or for any Waggon, Wain, Cart, Carriage, or Horse, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Bricks, Lime, Stone, Plaster, Timber, or other Materials to be used for building or repairing any Church, Chapel, House, Outhouse, Barn, Stable, or Hovel, within the same Parish where such Bricks, Lime, Stone, Plaster, Timber, or other Materials, shall be made, got, or cut down; or for any Horse or Cattle going to or returning from Pasture or Watering places. or for any Horse going to be or returning from being shod, or from any Person going to or returning from his or her proper parochial Church, Chapel, or other Place of Religious Worship, tolerated by Law, on a Sunday, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a Sunday or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriages, of whatever 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 back from conveying the same; or for any Horse, Cart, or Waggon, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Waggon, or other Carriages, employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chari, or other Carriage, or any Horse or other Beatt conveying

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ing any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Derby*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Statute
Work.

III And be it further enacted, That so much of the said recited Act, as relates to the Performance of Statute Labour on the said Road, shall be, and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Derby*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways, for every such Parish or Place, to bring in Lists before such Justices, at some Place, to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons, who within such Parish or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money, in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed, by any Law or Statute in Force and Effect, for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done at such Days, and at such Times, (not being Hay Time or Harvest,) and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money, in lieu of or as a Composition for Statute Work as aforesaid,

said, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horte or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to, by any Law or Statute in Force or Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways, for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

IV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing the said recited Act 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, Tenements, or Hereditaments, in

Application
of Compen-
sation if
amounting to
£.200.

the

the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorise to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 Lands, Tenements, 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 Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforelaid, 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 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 aforelaid, 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 said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Act and this Act, in case such Purchase or Settlement were made.

Application
of Compens-
ation if less
than £.200.
and exceed-
ing £.20.

V. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforelaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforelaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed or be equal to 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforelaid, 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 any Five or more of the said Trustees for executing the said recited Act 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 hereinbefore directed, so far as the Case be applicable, without obtain-
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ing, or being required to obtain, the Direction and Approbation of the Court of Chancery.

VI. Provided also, and be it 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, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or, in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application of Compensation if less than £.20.

VII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

VIII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid

[*Loc. & Per.*]

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Where any Question shall arise

touching the Title to Money to be paid to the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, &c.

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 this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such 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 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 Interest 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

IX. Provided also, and be it enacted, That where by Reason of and Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Act and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Act and this Act, 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.

X. 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 Trustees for executing the said recited Act and this Act, or any five or more of them, out of any Monies already raised by virtue of the said Act, or out of the first Monies which shall be collected or received by virtue of the said Act and this Act, in Preference to all other Payments whatsoever.

Public Act.

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

XII. And

XII And be it further enacted, That this Act shall commence upon the Expiration of the Term granted by the said recited Act, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Continuance
of the Act.

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