



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 112.

An Act for enlarging the Term and Powers of Two Acts, of His present Majesty, for repairing the Roads from *Brimmington* and *Chesterfield*, to several Places, all in the County of *Derby*. [21st May 1811.]

WHEREAS an Act was passed in the Sixth Year of the Reign 6 G. 3. c. 80. of His present Majesty, intituled, *An Act for repairing and widening the Road from Brimmington and Chesterfield, in the County of Derby, over the High Moors, to the several Places therein mentioned*: And whereas an Act was passed in the Twenty-sixth Year of 26 G. 3. c. 149. the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act, made in the Sixth Year of the Reign of His present Majesty, King George the Third, intituled, 'An Act for repairing and widening the Roads from Brimmington and Chesterfield, in the County of Derby, over the High Moors, to the several Places therein mentioned.'* And whereas the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in Execution (so far as the same related to such Parts of the said Roads as are specified in the said last recited Act), and have for that Purpose borrowed several considerable Sums of Money, upon the Credit of the Tolls by the said Acts granted; which cannot be paid off, nor the said Roads be effectually repaired, widened, altered and kept in Repair, unless the Term granted and continued by the said Acts is further continued, and some of the Powers and Provisions of the said Acts altered, amended and enlarged; and it is also necessary that the Tolls thereby granted should be increased; May it therefore please Your Majesty, That it may be enacted; and be it enacted by the King's

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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 and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein respectively contained (except such as relate to Exemptions from Stamp Duties, and such as heretofore have been, or are hereby varied, altered or repealed), and this Act shall be and continue in full force, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and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 and the Tolls hereby granted, and Toll Houses and Toll Gates for collecting the same, shall be and are hereby declared to be subject and liable to the Payment of all the Money now due and owing on the Credit or on Account of the said recited Acts, or either of them, or which shall be borrowed on the Credit of the said recited Acts and this Act, for the Use of the said Roads, and the Interest due and to grow due thereon respectively.

New Trustees.

II. And be it further enacted, That *Robert Arkwright, William Allison* the Elder, *John Barker* Clerk, *Caleb Barker, Edward Buxton, John Barnes*, the Honourable *William Cavendish*, the Honourable *Henry Cavendish*, the Honourable *Charles Cavendish, John Cruso, Joseph Colley, James Eckley Colley, John Drabble, Vincent Eyre, Samuel Frith, Henry Frith, Francis Frith, Gordon Clerk, Peter Green, John Green, James Green, John Cunday, James Gregory, Edward Smith Godfrey, George Bustard Greaves*, the Most Honourable *William Marquis of Hartington, Philip Heacock, Christopher Hinde, Robert Hutchinson, John Heywood, Richard Jebb, James Longsdon, Thomas Pennington Lucas, Thomas Leader, William Allwood Lord, Alexander Mackenzie Clerk, Robert Malkin, Robert Needham, Neale*, the Right Honourable *Walter Earl of Ormonde, Thomas Marriott Perkins, Porter, Thomas Milnes Smith, Richard Smith Clerk, John Shaw, James Shemwell, Jonathan Rodgers Stokes* Doctor of Physic, *Adam Barker Slater, Alexander Slater, Silas Slater Clerk, Sir Sitwell Sitwell Baronet, George Sitwell, Benjamin Sale, Richard Sharp, Bache Thornhill, Edward Thornhill, James Travis, John Kynderley Tudor, Tallents, Wotton Byrchinshaw Thomas, Richard Williams, Henry White, Thomas Ward, James Ward, Joseph Wreakes, Wreakes, Isaac Wilson, John Watkinson, Samuel Wilcockson, Henry White*, and *George White*, shall be and they are hereby added to and joined with the Trustees nominated, appointed or elected, in or by virtue of the said recited Acts; and the said Trustees hereby appointed, and their Successors (being qualified according to the Directions of the said recited Acts, or one of them) shall have the like Powers and Authorities 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.

Meetings on Emergencies.

III. And be it further enacted, That if after any Adjournment of the Trustees acting in the Execution of the said recited Acts and this Act, it shall at any Time be thought necessary that there should be an earlier Day of Meeting than the Day appointed by such Adjournment, then and in every such 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

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 Acts and this Act, and also by Advertisement in some Newspaper printed and circulated in the Neighbourhood of the said Roads, of the Time, Place and Purpose of such Meeting, as shall be mentioned in the Order of the said Trustees (such Time not being sooner than Seven Days after such Notice), and such earlier Meeting shall and may be holden accordingly; and all the Proceedings of the Trustees at all such Meetings, shall be as valid and effectual as they would have been in case such Meeting had been holden in pursuance of any Adjournment or Adjournments.

IV. And whereas the Amount of Tolls authorized by the said recited Acts to be taken on the said Road, have been found insufficient for the Purposes of the said recited Acts; be it therefore enacted, That from after the Thirtieth Day of *June* now next ensuing the said Tolls shall be and they are hereby declared to be repealed, and shall from that Time cease, determine and be no longer paid or payable; and that instead thereof, the respective Tolls following shall, from and after the said Thirtieth Day of *June*, be demanded and taken at the several and respective Toll Gates or Toll Houses which have been or shall be erected upon, across, or on the Side of the said Roads; (that is to say)

For repealing former Tolls, and granting new ones.

For every Horse or other Beast of Draught, drawing any Coach, Chaise, Phaeton, Curricie, Whiskey, Gig or Chair, the Sum of Four-pence: For every Horse, or other Beast of Draught, drawing any Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence in Summer, and Five-pence in Winter:

Tolls

For every Cart (drawn by One Horse only) the Sum of Four-pence in the Summer, and Five-pence in the Winter:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches (except One-horse Carts as aforesaid), the Sum of Sixpence in Summer and Seven-pence in Winter:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, not drawing, the Sum of One Penny in Summer, and One Penny Haltpenny in Winter:

For every Pair of Millstones, or Block or Blocks of Stone, Iron or Timber, drawn by Four or more Horses or other Beasts of Draught, the Sum of Three Shillings.

For every Drove of Oxen or Neat-Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number: And

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number:

Which said Tolls, as well as the Toll Houses and Toll Gates now or hereafter to be erected for collecting the same, shall be and the same are hereby vested in the Trustees for executing the said recited Acts and this Act, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied and disposed of, in such and the same Manner,

Manner, and by such and the same Ways and Means, and with such and the same Remedies for Non-payment or Evasion thereof, as are contained in the said recited Acts or either of them, respecting the Tolls thereby granted and made payable, except so far as such Powers, Provisions, and Restrictions, are by this Act varied or altered.

What shall be deemed Summer and Winter under this Act.

V. And, for the Purposes of this Act, it is hereby enacted and declared, That it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October* inclusive, and Winter during the Remainder of the Year.

Tolls to be paid by Inhabitants of Barlow, in certain Cases, when going laden with Coals, &c.

VI. Provided always, That no more than One Toll shall be demanded or taken, for or in respect of any Cattle or Carriage of any of the Inhabitants of the Parish of *Barlow*, coming upon the said Roads, at a certain Toll Bar called *Four Lane Ends* Bar, and going westwardly, laden with Coals and returning empty, or laden with Lime, through *Grange Hill* Toll Bar, or any other Bar which may hereafter be erected upon the said Road; and that no more than Half a Toll shall be demanded or taken for or in respect of any such Cattle or Carriage going laden, and returning empty or laden as aforesaid, when coming upon the said Roads at or near *Grange Hill* Bar aforesaid, by the way of *Grange Lane*.

Tolls to be paid by the Inhabitants of Newbold and Dunston when going laden with Coals, &c.

VII. Provided further, That no more than One Toll shall be demanded or taken for or in respect of any Cattle or Carriage of any of the Inhabitants of the Township of *Newbold* and *Dunston*, going from thence towards the West End of the said Roads, laden with Coals, and returning empty or laden with Lime; excepting only in Winter, when the additional Sum of One Penny shall and may be demanded and taken for every Horse or other Beast of Draught, drawing any Broad-wheeled Waggon, Wain, Cart or Carriage, going and returning laden as aforesaid.

Tolls to be paid by the Inhabitants of Cutthorpe and Brampton, when going laden with Coals, &c.

VIII. Provided also, That no more than One Toll shall be demanded or taken for or in respect of any Cattle or Carriage of any of the Inhabitants of *Cutthorpe* or *Brampton*, going laden with Coals towards the West End of the said Roads, or to *Chesterfield*, and returning laden with Lime.

For limiting the Number of Tolls between certain Parts of the Road.

IX. Provided further, That no more than One Toll shall be demanded or taken for or in respect of any Cattle or Carriage, between the West End of the said Roads and *Four Lane Ends* Bar aforesaid; nor between *Four Lane Ends* Bar aforesaid and *Chesterfield*; nor between *Four Lane Ends* Bar aforesaid and *Brimmington*; nor more than One Toll and a Half between the West End of the said Roads and certain Toll Bars called *Key Green* and *Newbold* Bars, except when repassing between the Places aforesaid, beyond the Number of Times hereinafter limited.

Double Toll on Sunday.

X. And be it further enacted, That it shall and may be lawful for the several Toll Gatherers or Collectors appointed by the said Trustees for collecting the said Tolls, on each and every *Sunday* to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night in each and every Year, to demand and take at each Toll House or Turnpike Gate erected or to be erected by virtue of the said recited Acts, or of either of them, or of this Act, double the Tolls which shall for the

Time.

Time being be ordered and authorized by the said Trustees, or any Five or moie of them, to be collected at the same Toll House or Turnpike Gate on any other Day.

XI. And whereas the several Exemptions from Tolls granted by the said recited Acts, have been found inconvenient and detrimental; be it therefore enacted, That the same shall be and are hereby repealed; and that from and after the passing of this Act, no Toll or Duty shall be demanded or taken for or in respect of any Horse, Beast or Carriage, 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 therefrom; or for any Horse, Beast or Carriage, 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, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor shall any Toll be demanded or taken of or from any Rector, Vicar or Curate, going to officiate or returning from officiating at any Church or other Place of Divine Worship, or going to or returning from visiting any Sick Parishioner; or of any Person or Persons going to or returning from his, her or their Parochial Church, Chapel or other Place of Religious Worship tolerated by Law, on any *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Cattle or Carriage conveying any Corpse, or attending or going to attend, or returning from attending, the Funeral of any Person or Persons who shall die and be buried in any Township, Hamlet or Place, through which any of the said Roads pass; nor for or in respect of any Horse, Beast or Carriage, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying and conveying on the same Day Gravel, Stone or other Materials, for repairing the said Roads, or any Road in any of the Townships, Hamlets or Places, in which the same do lie; or for any Horse, Beast or Carriage, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Dung, Mould, Marl, Soil or Compost, of any Nature or Kind whatsoever (except Lime) for manuring any Lands or Grounds of any Land Owner or Occupier; or any Plough, Harrow or other Implement of Husbandry, or any Grass, Hay or Sainfoin, Straw or Corn in the Straw, not being sold or disposed of, but going to be laid up in the Outhouses or upon the Premises of such Land Owners or Occupiers of Land; or for any Horse or Horses, or other Cattle or Stock of any Kind, going to or from Water, Pasture,

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Plough.

New Exemptions.

Plough or other Work of Husbandry, or going to any Blacksmith's Shop in order to be shoed or farried, or returning therefrom; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; or of or from any Person or Persons going to vote at, or returning from any Election of a Member of Parliament for the County of *Derby*, or for the Borough of *Derby*, on the Day before the Day or Days of such Election or on the Day after the same shall be respectively 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, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied to the several Purposes of the said recited Acts and this Act.

Owners or Drivers of Waggons employed in the Service of the King's Forces not to be subject to Penalties for Overweight.

XII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Going empty for Lime, to go free.

XIII. Provided always, That no Tolls shall be demanded or taken from any Person or Persons whomsoever, for or in respect of any Horse or other Cattle drawing any Carriage, when going empty for Lime and returning laden therewith.

No Cart or Carriage to go and return more than twice for One Toll, except belonging to the Inhabitants of Brimington, in certain Cases.

XIV. Provided always, and be it further enacted, That no Horse or other Beast of Draught, drawing any Cart or Carriage of any Inhabitant of *Brimington* aforesaid, shall be allowed to pass, for the Payment of One Toll, more than Six times through a certain Bar called *Tupman Meadow Bar*, on the same Day; that is to say, Thrice going empty, and Thrice returning laden with either Coals or Coke from the Coal Pits now worked by Messieurs *Sanforths*, on the West Side of *Whittington Moor*; and that no Horse or other Beast of Draught of any Inhabitant of any Parish, Township or Place whatsoever (except the Inhabitants of *Brimington*, in the Case aforesaid) shall be allowed to pass more than Four Times through the same Bar, upon the same Day, for the Payment of One Toll; that is to say, Twice going and Twice returning; but that no more than Two Tolls in the whole shall on any Account be demanded or taken upon the same Day, for or in respect of the same Cattle or Carriage passing and repassing any Number of Times whatever.

Collectors declared competent Witnesses.

XV. And be it further enacted, That in case any Dispute, Suit or Litigation, shall arise, touching or anywise relating to the said Tolls, the Person or Persons appointed to collect the said Tolls, or any other Person

or

or Persons acting by or under the Authority of the said Trustees, shall not be deemed incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his or their being appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

XVI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done or omitted to be done by virtue or in pursuance of the Directions of this Act, in the Name of their 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, shall abate or be discontinued by the Death or Removal of any such Treasurer, or by the Act of such Treasurer, without the Consent of the said Trustees, or any Five or more of them; but the Treasurer for the Time being of the said Trustees shall be deemed Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such 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 all his Costs, Charges, Damages and Expences therein; and it shall be lawful for him to retain, out of the first Money to arise by virtue of the said recited Acts and this Act, or any of them, after such Action or Suit shall be concluded or discontinued, all such Costs, Charges, Damages and Expences, as by the Event of, or in consequence of any such Action or Proceeding, he shall pay, bear, expend or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of their Treasurer.

Treasurer reimbursed his Expences.

XVII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons, for any thing done in pursuance of this Act, or of the said recited Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or any of them, until Twenty-one Days' Notice shall be thereof given to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, nor after a sufficient Satisfaction or Tenders thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall, at his or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall be so done, or that such Action or Suit shall be brought before Twenty-one Days' Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and if upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have, for his, her or their Costs, in any other Cases by Law.

No Action to be brought without Notice.

XVIII. And

Application
of Compensa-
tion where
exceeding
£200.

XVIII. 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, made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or 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 or Persons whose Lands, Tenements or Hereditaments are limited in strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity in the said Acts 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 there, *ex parte* the Trustees for executing the said recited Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, 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 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 Lands or 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 meantime, 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 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the said 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 or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compensa-
tion does not
exceed
£.200. nor
less than
£.20.

XIX. 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

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 or 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 hereinbefore 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 (such Nomination and Approbation to be signed 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 obtaining or being required to obtain the Direction of the Court of Chancery.

XX. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next beforementioned, 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 recited Act 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.

Application where the Money is less than 20^l.

XXI. 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 Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or of 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

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.

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.

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 only, &c.

XXII. Provided always, 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 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 Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or of this Act, 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 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 and 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.

XXIII. Provided also, and be it enacted, That where by reason of any 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 Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or of 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 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 Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or of 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 Acts made in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, or either of them, or of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons chargeable to Statute

XXIV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be

be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Derby*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads 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 or them paid to the said Trustees or to their Treasurer; 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 is, are or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Time (not being Haytime or Harvest) and on such Parts of the said Roads 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, 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 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 Acts 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to 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, Horse 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 and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby

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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; 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 or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

XXV. And be it further enacted, That it shall and may be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

For paying the Expences of this Act.

XXVI. And be it further enacted, That the Costs, Charges and Expences of obtaining and passing this Act, shall be paid and discharged by the said Trustees, out of any Money already collected and received, or hereafter to arise by virtue of the said recited Acts and this Act, or any of them; and if any Person shall advance any Money towards, or in full Discharge of the Fees or other Expences of obtaining this Act, the same shall be repaid by the said Trustees out of the first Monies which shall come to their Treasurer's Hands by virtue of this Act or the said recited Acts, together with lawful Interest for the same.

Publick Act.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Duration of the Act.

XXVIII. And be it further enacted, That the Term granted and continued by the said recited Acts of the Sixth and Twenty-sixth Years of the Reign of His present Majesty shall, after the Thirtieth Day of *June* One thousand eight hundred and eleven, cease and determine; and that the said Acts (subject as hereinbefore mentioned) and this Act, shall from thenceforth 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1811.