



ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxliv.

An Act for repealing Two Acts for repairing the Roads from *Little Sheffield* in the County of *York*, to *Sparrow Pit Gate* in the County of *Derby*; and also an Act for making a Road from *Banner Cross* in the West Riding of the County of *York*, to *Fox House* in the County of *Derby*; and for consolidating the Trusts of certain Roads mentioned in the said Acts; and for amending and making certain other Roads to communicate therewith; and for other Purposes relating thereto.

[10th June 1825.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from Little Sheffield in the County of York, through the Towns of Hathersage, Hope, and Castleton, to Sparrow Pit Gate in the County of Derby; and from the Guide Post near Barber Fields Cupola, through Grindleford Bridge, Great Hucklow, Tideswell, Hardgate Wall, and Fairfield, to Buxton, in the County of Derby*: And whereas an Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Roads from Little Sheffield in the County of*

31 G. 2. c.62.

19 G. 3. c.96.

[Local.]

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York,

- ‘York, through the Towns of Hathersage, Hope, and Castleton, to Sparrow
 ‘Pit Gate in the County of Derby; and from the Guide Post near Barber
 ‘Fields Cupola, through Grindleford Bridge, Great Hucklow, Tideswell,
 ‘Hardgate Wall, and Fairfield, to Buxton, in the County of Derby:’
 And whereas an Act was passed in the Thirty-fifth Year of the
 35G.3.c.164. Reign of His late Majesty King George the Third, intituled *An Act*
for continuing the Term and repealing the Powers of Two Acts, passed in the
Thirty-first Year of the Reign of His late Majesty King George the Second,
and the Nineteenth Year of the Reign of His present Majesty, for repairing
and widening the Roads from Little Sheffield in the County of York, through
the Towns of Hathersage, Hope, and Castleton, to Sparrow Pit Gate in
the County of Derby; and from the Guide Post near Barber Fields Cupola,
through Grindleford Bridge, Great Hucklow, Tideswell, Hardgate Wall,
and Fairfield, to a House known by the Sign of The Angel, in Buxton, in the
County of Derby; and for granting further and other Powers for that Pur-
pose: And whereas an Act was passed in the Fifty-first Year of the Reign
 51G.3.c.75. *of His said late Majesty King George the Third, intituled An Act for enlarg-*
ing the Term and Powers of an Act of His present Majesty for repairing the
Roads from Little Sheffield in the County of York, to Sparrow Pit Gate and
several other Places in the County of Derby; and for amending and making
certain other Roads to communicate therewith: And whereas an Act was
 52G.3.c.116. *passed in the Fifty-second Year of the Reign of His said late Majesty*
King George the Third, intituled An Act for making and maintaining
a Turnpike Road from or near Banner Cross, in the West Riding of
the County of York, through the Township of Dore, to or near to Fox
House in the County of Derby; and also a Branch from Dore afore-
said to or near to Owler Bridge, in the said County of Derby: And
 3G.4.c.126. *whereas an Act was passed in the Third Year of the Reign of His*
present Majesty King George the Fourth, intituled An Act to amend the
general Laws now in being for regulating Turnpike Roads in that Part of
Great Britain called England: And whereas an Act was passed in the
 4G.4.c.95. *Fourth Year of the Reign of His present Majesty King George the Fourth,*
intituled An Act to explain and amend an Act passed in the Third Year of
the Reign of His present Majesty, to amend the general Laws now in being
for regulating Turnpike Roads in that Part of Great Britain called England:
 5G.4.c.69. *And whereas an Act was passed in the Fifth Year of the Reign of His pre-*
sent Majesty King George the Fourth, intituled An Act to enable Justices of
the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and
maintaining Turnpike Roads: And whereas the Trustees appointed in or
by virtue of the said recited Acts of the Thirty-first Year of the Reign
of His said late Majesty King George the Second, and the Nineteenth,
Thirty-fifth, and Fifty-first Years of the Reign of His said late Majesty
King George the Third, have made great Progress in the Execution thereof,
and have for that Purpose borrowed considerable Sums of Money upon
the Credit thereof, which Money still remains due and owing: And
whereas great Progress hath been made in the Execution of the said recited
Act of the Fifty-second Year of the Reign of His said late Majesty King
George the Third, and the Road from or near Banner Cross aforesaid to
or near to Fox House aforesaid, hath been made and completed at the sole
Costs and Charges of the Most Noble William Spencer Duke of Devonshire,
who hath for this Purpose expended the Sum of Six thousand Pounds and
upwards; and the said William Spencer Duke of Devonshire is the sole
Mortgagee or Person having any Claim upon the Tolls arising upon the
 1 said

said Road : And whereas it would be greatly for the Advantage of the said respective Turnpike Roads, and the several Persons who have advanced Money upon the Tolls arising thereon, towards carrying the Trusts of the said recited Acts of the Thirty-first Year of the Reign of His said late Majesty King *George* the Second, and the Nineteenth, Thirty-fifth, and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, and the Fifty-second Year of the Reign of His said late Majesty, into Execution, if the Trusts of the said respective Acts of the Thirty-fifth and Fifty-first Years of the Reign of His said late Majesty King *George* the Third were consolidated with the Trusts of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, and placed under the Management and Controul of One and the same Set of Trustees ; and in the Event of such Consolidation taking place, the said *William Spencer* Duke of *Devonshire* hath consented and agreed to accept of a Mortgage for Four thousand Pounds upon the Tolls of the said consolidated Roads, in lieu and as a full Satisfaction for all Claims and Demands which he at present has by virtue or under the Authority of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, upon the Tolls of the Road leading from *Banner Cross* to or near to *Fox House* aforesaid : And whereas it would be a great Accommodation to the Neighbourhood, and of great public Utility, if a certain Part or Parts of the said Roads leading from *Little Sheffield* to *Sparrow Pit Gate*, and several other Places lying between *Grindleford Bridge* and *Fox House*, both in the Parish of *Hope* in the said County of *Derby*, was or were turned and altered from a certain Part thereof at or near to *Grindleford Bridge* aforesaid, so as to make a final Junction with the said Road at or near to *Fox House* aforesaid ; and also if a Diversion was made in another Part of the said Roads, commencing at the Bridge at the Bottom of *Hathersage* in the County of *Derby* aforesaid, so as to make a Junction with the present Road at or near to a Place called *Hill Foot* in the said Parish of *Hathersage* ; and also if a Diversion was made in another Part of the said Roads, commencing near *Stone Bench* Toll Bar in the Parish of *Hope* aforesaid, so as to make a Junction with the present Road at the Bridge leading into *Buxton* in the said County of *Derby* : And whereas it would also be greatly to the Advantage of the said Turnpike Roads and of public Utility, if so much and such Part of the Road heretofore under the Care and Superintendence of the Trustees for executing Two Acts passed in the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third ; the first of the said Acts being intituled *An Act for repairing, widening, and altering the Road from the present Turnpike Road upon Greenhill Moor near Norton, in the County of Derby, to Hathersage in the same County, through the several Parishes of Norton, Dronfield, and Hathersage, in the said County of Derby ; and also the Road from the Road leading from Chesterfield to Hernstone Lane Head, near Stoney Middleton, to Totley, through the several Parishes of Bakewell, Hope, Hathersage, and Dronfield, all in the said County of Derby ; and the second of the said Acts being* *An Act to continue the Term and alter and enlarge the Powers of the first mentioned Act ; and also for making Two new Branches from the said Roads to Baslow in the said County, and to Goose Green, near Sheffield in the County of York ; as lies between Fox House and Hathersage aforesaid, was given up and transferred to the Care and Superintendence of the Trustees appointed for executing the Trusts of this Act : And whereas the Road*

21 G. 3. c. 83.

43 G. 3. c. 70.

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leading from the Bridge at the Bottom of *Hathersage* aforesaid over *Hazleford Bridge* through *Fall Cliffe Woods* to *Grindleford Bridge* aforesaid, is in bad Condition, and cannot be sufficiently repaired and maintained by the ordinary Course of Law, and it will be advantageous to the Public and to the Inhabitants of the neighbouring Parts, that the said Road should be placed under the Care and Management of the said Trustees, and that the Provisions of this Act should be extended to the same Road in Manner herein-after mentioned: And whereas the said several Purposes before mentioned cannot be effected without the Aid and Authority of Parliament; and it would be more convenient if the said recited Acts of the Thirty-fifth, Fifty-first, and Fifty-second Years of the Reign of King *George* the Third were repealed, and other Powers and Provisions granted instead thereof: 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 from and after the passing of this Act, the said recited Acts of the Thirty-fifth, Fifty-first, and Fifty-second Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby declared to be repealed and null and void to all Intents and Purposes whatsoever; and this Act shall from thenceforth commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term hereafter mentioned, for the Purpose of consolidating, making, amending, altering, turning, widening, improving, and keeping in Repair the Roads herein-after described, (that is to say), the Roads from *Little Sheffield* aforesaid by *Hunter's Gate* and *Banner Cross* up *Dore Moor* to *Fox House*, and from thence along the Branch surrendered and given up by the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years of the Reign of King *George* the Third, to the Trustees for executing this Act, by *Booth's Gate*, *Hathersage*, *Castleton*, and *Saddle Yard*, to *Sparrow Pit Gate*, and from *Saddle Yard* aforesaid to *Chapel-en-le-frith* in the said County of *Derby*; also from *Fox House* aforesaid, through *Grindleford Bridge*, *Eyam*, *Foolow*, *Tideswell*, *Hargate Wall*, and *Fairfield*, to the *Angel Inn* at *Buxton* aforesaid, and from the Bridge at the Bottom of *Hathersage* aforesaid, over *Hazleford Bridge*, through *Fall Cliffe Woods* to *Grindleford Bridge* aforesaid; which said consolidated Roads shall be called "The *Sheffield* and *Chapel-en-le-frith* Roads."

Recited Acts of 35, 51, & 52 G. 3. repealed, and this Act to take Effect instead thereof.

Tolls under this Act liable to Payment of Money due under former Acts (except as to Money advanced under Powers of 52 G. 3. in lieu of which 4,000*l.* is to be accepted as a full Satisfaction.)

II. And be it further enacted, That this Act and the Term and Tolls hereby granted, and the Turnpikes and Toll Houses erected or to be erected for collecting the same, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on Account of the said recited Acts of the Thirty-first Year of the Reign of His said late Majesty King *George* the Second, and the Nineteenth, Thirty-fifth, Fifty-first, and Fifty-second Years of the Reign of His said late Majesty King *George* the Third respectively, or any or either of them, (save and except that the said Term and Tolls hereby granted shall be subject and liable to the Payment of the Sum of Four thousand Pounds, and no more, on account of all Sums advanced by the said *William Spencer* Duke of *Devonshire*, in carrying out the Trusts of the said Act of the Fifty-second Year of the Reign of King *George* the Third; for which said Sum of Four thousand Pounds a Mortgage shall be

be granted upon the Tolls and Toll Houses of the said consolidated Roads), and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Acts and of this Act, or either of them, and of all Interest due and to grow due for the same respectively, without any Preference or Priority whatsoever.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of the recited Acts of the 3, 4, & 5 G. 4. extended to this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Thirty-fifth, Fifty-first, and Fifty-second Years of the Reign of King *George* the Third, or any or either of them, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said recited Act hereby repealed, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds, &c. under former Acts to be good under this Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, or any of them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Books under former Acts may be given in Evidence.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the West Riding of the County of *York*, and for the County of *Derby* respectively, together with the Right Honourable *George Henry Cavendish* commonly called Lord *George Henry Cavendish*, the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called Lord Viscount *Milton*, the Right Honourable *Thomas*

Trustees appointed.

[*Local.*]

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Eyre commonly called Lord *Kinnaird*, Sir *William Chambers Bagshaw* Knight, the Honourable *James Abercromby*, *Robert Arkwright*, *William Ashby Ashby*, *Robert How Ashton*, the Reverend *William Bagshaw Clerk*, *William John Bagshaw*, *John Barker*, *Samuel Barker*, *Thomas Barker*, *William Barker*, the Reverend *Charles Cecil Bates Clerk*, *John Bennett*, *Thomas Bird*, *Joseph Bishop*, *Alexander Bossley*, *Josiah Bradbury*, *Samuel James Bray*, *John Brightmore*, *Ebenezer Brookes*, *Peter Brownell*, the Reverend *Thomas Brown Clerk*, *John Butcher*, *Peter Cadman*, *John Champion*, *John Champion junior*, *William Henry Cheek*, *Hugh Cheney M.D.*, *John Cocker*, *John Charge*, *D^r Ewes Coke*, *George Cowpen*, the Master Cutler for the Time being for *Hallamshire*, *John Dakin*, the Honourable and Reverend *Robert Eden Clerk*, the Honourable *Francis Eyre*, *Thomas Eyre of Castleton*, *Thomas Eyre*, *Thomas Fentem*, *Edward Fox*, *Samuel Frith*, *John Frith*, *John Froggatt*, *John Furnace*, *Matthias Furness*, *George Goodwin*, *Charles Greaves*, *James Gregory*, the Reverend *Samuel Grundy Clerk*, *George Hadfield*, *Isaac Hall*, *Richard Hall*, *Micah Hall*, *Joseph Hall*, *David Haslehurst*, *Philip Heacock*, *Arthur Heathcote*, *Heathcote*, *John Hibberson*, *Ralph Hodgkinson*, *James Holworthy*, *Daniel Holy*, *Thomas Beard Holy*, *Francis Hoole*, *William Howe*, the Reverend *John Ibbotson Clerk*, *John Jackson*, *Henry Kirk*, *Richard Longden*, *Robert Longden*, *Thomas Longden*, the Reverend *Lowe Clerk*, *Samuel Lucas*, *Thomas Marchington*, *William Marsden*, *Anthony Lax Maynard*, *Marmaduke Middleton Middleton*, *John Middleton*, *John Milner*, *Jasper Needham*, *Robert Needham of Perry Foot*, *Robert Needham of Thornbridge*, *William Needham*, *Henry Newbould*, *Samuel Newbould*, *Thomas Newbould*, *William Newbould*, *William Newman*, *John Newton*, *Thomas Nowell*, *Adamson Parker*, *Hugh Parker*, *Benjamin Pearson*, the Reverend *Henry Pearson Clerk*, *Thomas Pearson*, *Alexander Radford*, *Robert Rawson*, *Thomas Rawson*, *John Read*, *Samuel Marshall Revill junior*, *Samuel Roberts*, the Reverend *Robert Robinson Clerk*, *Jeremy Royse junior*, *Bobun Shore*, *John Shore junior*, *Offley Shore*, *Samuel Shore junior*, *Sydney Shore*, *Ashton Ashton Shuttleworth*, *James Ashton Shuttleworth*, *William Smith*, *J Waterhouse Smith*, *William Spooner*, *Peter Spurr*, *Broughton Benjamin Steade*, the Reverend *Thomas Sutton Clerk*, *John Taylor*, *Jonathan Taylor*, *William Taylor*, *Lewis Thomas*, *Jonathan Thornhill*, *Joseph Tricket*, *Wotton Byrchinshaw Thomas*, *John Unwin*, *John Vickers junior*, *Samuel Broomhead Ward*, *John Watson*, *Thomas Watson*, *William Watson*, *Thomas Weldon*, *Henry Wheat*, *James Wheat*, *Joseph White*, *Joshua Wigful*, *Peter Wigful*, *Joseph Wilson*, *Joseph Wilson junior*, *William Wilson*, *Benjamin Withers*, *John William Wright*, *Peter Wright*, *Benjamin Wyatt*, *Charles Younge*, *George Younge*, *Samuel Younge*, and *William Younge M.D.*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby declared to be Trustees for carrying into Execution the said recited Acts and this Act.

Officers under former Acts to account to the Trustees for executing this Act.

VII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall

account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of the said Acts and this Act.

VIII. And be it further enacted, That the First Meeting of the said Trustees shall be held at the House of *James Wagstaff*, the Sign of the *Devonshire Arms*, upon *Dore Moor* in the said County of *Derby*, or at some other convenient Place near to the said Roads, on the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be; at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act; and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said Acts and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said Acts and this Act, as to the said Trustees shall seem proper.

First Meeting of Trustees, and Power to appoint Officers.

IX. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officers (except the Treasurer) nominated and appointed under and by virtue of the said recited Acts hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said Acts or this Act.

Old Officers to continue until others are appointed.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks,

Clerk and Treasurer not to be the same Person.

Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Old Mortgages may be called in, and new ones granted.

XI. And be it further enacted, That the said Trustees shall and may receive in and cancel all or any of the Mortgages now standing out, and instead and in lieu thereof respectively, give and execute another Mortgage or other Mortgages, by and at the Expence of the Parties requiring the same, upon the Tolls of the said consolidated Roads granted by this Act.

For making the new Pieces of Road and Diversions.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, form, and complete the said Diversions and new Pieces of Road herein-before mentioned.

Plans and Books of Reference to remain with the Clerk of the Peace.

XIII. And whereas Maps or Plans, describing the Lines of the said several new Pieces of Road, and the Lands through which the same are to be respectively carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Derby*; be it therefore enacted, That the said several Maps or Plans, and the Books of Reference, shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence and no more for every One hundred Words of such Copies or Extracts of the said several Maps or Plans and Books of Reference; and that the said Trustees, in making the said several Roads, shall not deviate more than One hundred Yards from the Lines described in the said several Maps or Plans, without the Consent in Writing of the Person
or

or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversions and new Pieces of Road into, through, across, or over the Lands and Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Lands over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted, misnamed, or inaccurately described in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Derby*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XV. And whereas in and by virtue of the said recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third, it was enacted, that from and after the Two new Branches of Road (therein particularly mentioned) or either of them, should be made, there should be yearly and every Year paid out of the Tolls to be collected and received under the Authority of the said recited Act, to the Treasurer of the Trustees for executing the herein-before recited Act of the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, or to such other Person or Persons as they should authorize to receive the same, the clear Sum of One hundred Pounds, the same to be paid at and computed from the Days and Times, and recoverable by the Means therein and thereby respectively mentioned and directed: And whereas in and by the said recited Act of the Fifty-first Year of the Reign of His late Majesty King *George* the Third, it was recited, that the Trustees therein named would, in making One of the Improvements therein mentioned, that is to say, from *Burbage* Bridges to *Hathersage* aforesaid, come upon, and also across and by the Side of Part of the Roads under the Care of the Trustees for executing the said recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third, at or near a certain Place called *Booth's Gate*, to the Town of *Hathersage*, it was therefore enacted, that the Trustees for executing the said Act of the Fifty-first Year of the Reign of His said late Majesty King *George* the Third, should during the Term thereof, at their own Expence, Costs, and Charge, well and effectually make, and also repair and amend the whole of the said Road which was then made or should thereafter be made between the Junction of the said Roads at or near *Booth's Gate* aforesaid and *Hathersage* aforesaid, and should on no Account or Pretence whatsoever take any Tolls, or set up or erect any Toll Gate or Chain upon or by the Side of any Part of the said Road between the said Junction and *Hathersage* aforesaid: And whereas it hath been agreed between the Trustees for executing the said recited Act of the Forty-third Year of the Reign of His said late Majesty King *George* the Third, and the Trustees for executing the said recited Acts of the Thirty-fifth and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, that so much of the said Turnpike Road heretofore under the Care and Management of the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years of the Reign of His said late Majesty King *George* the Third, as lies between *Fox House*, in the said County of

Authorizing the Trustees of the 43 G.3. to give up a certain Part of their Road lying between Fox House and Hathersage to the Trustees for executing this Act.

Derby, and *Hathersage* aforesaid (and which includes the Piece or Part of Road described in the last-mentioned Act, as lying between the Junction of the said Roads at or near *Booth's Gate* aforesaid and *Hathersage* aforesaid), shall be absolutely surrendered and given up by the Trustees for executing the said herein-before recited Act of the Forty-third Year of the Reign of His said late Majesty King *George* the Third, to the Trustees for executing this Act, free from all Restraint whatsoever imposed by the said recited Act of the Fifty-first Year of the Reign of His said late Majesty King *George* the Third, on Condition of the said Trustees for executing the said recited Acts of the Thirty-fifth and Fifty-first Years of the Reign of His said Majesty King *George* the Third, giving up all further Claim to the said Annuity of One hundred Pounds *per Annum*, directed to be paid by the said recited Act of the Forty-third Year of the Reign of His said late Majesty King *George* the Third, to the Trustees for executing the said recited Act of the Thirty-fifth Year of the Reign of His said late Majesty; be it therefore enacted, That from and after the passing of this Act such Part of the said Roads herein-before mentioned, and authorized and directed to be made by the said recited Acts of the Twenty-first and Forty-third Years of the Reign of His said late Majesty King *George* the Third, as lies between *Fox House* and *Hathersage* aforesaid, shall be and is hereby declared to be surrendered and given up by the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years of the Reign of His said late Majesty King *George* the Third, and by them transferred to the Care, Superintendence, and Management of the Trustees for executing this Act; and that the same shall from thenceforth be subject and liable to all the Provisions, Enactments, and Regulations contained in this Act, freed and absolutely discharged from all Controul and Authority heretofore vested in the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years of the Reign of His said late Majesty King *George* the Third, or either of them; and of and from all Enactments, Provisions, and Regulations contained in the said recited Acts of the Twenty-first, Forty-third, and Fifty-first Years of the Reign of His late Majesty King *George* the Third, or either or any of them; and that all further Payments on account of the said Annuity of One hundred Pounds shall from that Time cease, and be no longer payable.

Power to
continue the
present
Gates, and
erect others.

XVI. And be it further enacted, That the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said recited Acts hereby repealed, or which shall or may be erected by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and of this Act, or any or either of them, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any of the Roads herein-before mentioned, or hereby authorized to be made, and also in or upon the Sides of the same, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences at or near each Toll Gate; and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also may take in and inclose from the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One-fourth Part of a Statute Acre to each Toll House.

XVII. And be it further enacted, That the respective Tolls hereafter mentioned shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates now erected or to be erected on the said Roads, by such Person or Persons as the said Trustees, or their Lessee or Lessees, Collector or Collectors for the Time being shall from Time to Time appoint, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Power to
take Tolls.

For every Horse, Mule, or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Curricule, Gig, Hearse, Calash, Chaise Marine, or other such Carriage, the Sum of Sixpence :

Tolls.

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or such other Carriage with Wheels of less Breadth than Six Inches, the Sum of Eight-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or other such Carriage with Wheels of the Breadth of Six Inches and upwards, the Sum of Sixpence :

For every Pair of Mill Stones, if drawn in Pairs, and for every Single Mill Stone, or Block of Stone, or Piece of Timber drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horses or other Beasts, the further Sum of One Shilling for each such Horse or Beast exceeding that Number, in addition to the said Two Shillings and Sixpence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Neat Cattle or Oxen the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any less Number :

And

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

Which said respective Tolls, and all other Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as herein-after mentioned.

XVIII. Provided always, and be it enacted, That no more Toll shall be taken at any Bar than Four-pence for One Horse only, nor more than Five-pence *per* Horse for Two Horses only, drawing any Cart or other such Carriage going for the Purpose of carrying or being loaded with Coal, or returning empty having been so loaded; any thing in the said recited Acts or this Act contained to the contrary notwithstanding.

Coal Toll.

XIX. Provided always, and be it further enacted, That no Person who shall have paid Toll for the passing of any Horse or other Cattle or Carriage through any Turnpike or Side Gate erected or to be erected upon the said Roads, shall be subject to any Toll for returning through such Turnpike or Side Gate the same Day before Twelve of the Clock at Night,

Tolls to be
paid but
Once
a Day, except
as herein
mentioned.

with

with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes or Side Gates, which Note or Ticket such Collector is hereby required to give *gratis* on the Receipt of the Tolls, except such Waggon, Cart, Caravan, Timber Carriage, or such other like Carriages, which shall pass or repass through any of the said Turnpikes or Side Gates loaden with any Loading of the Weight of Five hundred Pounds of Six Score to the Hundred, and shall return the same Day also loaden with the Weight of Five hundred Pounds or upwards, as aforesaid.

Limiting the Number of Tolls to be taken.

XX. And be it further enacted, That no more than Five full Tolls shall be taken upon the said Roads for the same Horses, Beasts, and Cattle passing and repassing through all of the Toll Gates erected or to be erected across or on the Sides of the said Roads in any one Day (except as before is excepted), such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Stage Coaches, &c. to pay every Time of passing and re-passing.

XXI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught, drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other such public Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads, or any of them.

Post Chaises, &c. to be subject again to Tolls every new Hiring.

XXII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage, every Time of passing or repassing along the said Roads, or any of them, as often as a fresh Hiring thereof shall take place.

A Halfpenny to be taken when the Tolls amount to a fractional Part of a Halfpenny.

XXIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Trustees may reduce the Tolls.

XXIV. And whereas many of the Mortgagees upon the said Roads live at a great Distance therefrom, and have consented and are desirous that the Trustees shall have the Power to reduce and vary the Tolls by this Act granted, first obtaining the Consent of One-half in Value of the said Mortgagees, when and so often as the said Trustees think it shall be advisable so to do; be it therefore enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting One Month's Notice shall be given in some Newspaper or Newspapers published or circulated in the said County of *Derby*, and also in some Newspaper or Newspapers published or circulated in the Town of *Sheffield*, and also affixed on all and every the Turnpike Gates then standing on the said Roads, from Time to Time to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, or otherwise, in such

such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards, at any Meeting to be holden and appointed as aforesaid, from Time to Time, if they the said Trustees or any Five or more of them shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now in force with respect to Overweight or otherwise: Provided always, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to One-half Part of the Money remaining due upon the Credit of the said Tolls.

XXV. And be it further enacted, That all Leases, Contracts, and Agreements which shall be in existence at the Time of passing this Act, shall respectively continue in force until the Time when, by the Terms and Conditions thereof, the same will be expired and determined; and the respective Lessees and Farmers of the Tolls shall in the meantime be entitled to collect and receive the Tolls imposed by the said recited Acts of the Thirty-fifth, Fifty-first, and Fifty-second Years of the Reign of His said late Majesty King George the Third; as fully and effectually as if the said recited Acts had not been repealed; and all Persons who, under or by virtue of such Leases, Contracts, or Agreements, shall owe any Sum or Sums of Money to the said Trustees, shall, notwithstanding the Repeal of the said Acts, be liable to the Payment of and shall pay all such Sums and Sums of Money to the said Trustees.

Present Leases to continue in force.

XXVI. And whereas there are certain Brooks or Rivulets running across the Line of the said new Pieces of Road, over which it may be deemed necessary and expedient to erect One or more Bridge or Bridges; be it therefore enacted, That all and every such Bridge or Bridges shall, at all Times during the Term hereby granted, be made, amended, improved, supported, repaired, and kept in repair by and out of the Tolls authorized to be taken on the said new Pieces of Road; any Law, Act, Statute, or Custom to the contrary notwithstanding.

New Bridges to be made and repaired out of the Tolls under this Act.

XXVII. And be it further enacted, That all Monies and other Effects which they the said Trustees, or any of them, or any Treasurer or Treasurers, or other Person or Persons on their behalf, are or is entitled to by virtue of the said recited Acts hereby repealed, or any of them, shall be by the said Trustees applied for the Purposes of this Act; and out of the Monies which shall arise by virtue of the said recited Acts, or either of them, or this Act, and not herein otherwise appropriated or directed to be applied, the Expences attending the preparing, obtaining, and passing this Act shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the Tolls by virtue of the said recited Acts, or any or either of them, or shall be borrowed upon the Credit and Security of the Tolls by this Act granted; and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in repair all the

Application of the Tolls.

said Roads, and in erecting, repairing, and maintaining proper Turnpikes, Toll Gates, and Toll Houses, and then in reducing, paying off, and discharging the Principal Sum now due and owing on the Credit of the said Tolls, or which may hereafter become due and owing, and in defraying the Expences attending the Execution of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

No Common Carrier to act as a Trustee.

XXVIII. And be it further enacted, That no Person appointed or to be appointed a Trustee for executing this Act shall be capable of acting as such in the Execution of the Trusts of this Act, who shall be employed as or follows the Trade or Business of a Common Carrier, during the Time he shall follow the said Trade or Business, or have any Carts, Waggon, Vans, or other Carriages or Teams, or Horses employed in the Carriage of Goods for Hire as a Common Carrier; and if any Person being disqualified as aforesaid shall presume to act as a Trustee, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Lamps to be lighted at Toll Houses.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper; and also to order and direct at what Times of the Year, and during what Hours, such Lamp or Lamps, or any of them, shall be kept lighted; and all and every Collectors and Collector of the Tolls authorized by this Act to be taken and collected, appointed by the said Trustees, and also all and every Lessees or Lessee thereof, and all and every Persons and Person appointed by such Lessees or Lessee, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission, to be recovered and applied in such and the same Manner as Penalties incurred by Offences against the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty are by such Acts directed to be recovered and applied.

For paying the Expences of this Act.

XXX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, shall be paid out of any Money already raised under or by virtue of the said recited Acts hereby repealed, or out of the first Money to arise by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act; in preference to all other Payments whatsoever.

Application of Compensation Money when exceeding 200%.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and

and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize 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, and 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, 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 meantime 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

XXXII. And be it further 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 aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount

Application when the Compensation Money is less than 200l. but not less than 20l.

amount to or 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, Tenements, and 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 of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, 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 the said Trustees (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 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.

Application where the Money is less than 20l.

XXXIII. And be it further enacted, That where such Money so agreed or awarded to be paid as last 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, and 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 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.

In case of not making out Titles, &c. Purchase Money to be paid into the Bank.

XXXIV. 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 of the Third and Fourth Years of the Reign of His said present Majesty 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 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 be lawful for the said Trustees 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 said Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXV. 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 Exchequer, in pursuance of the said Acts and 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 this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, and 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the said 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.

Where any Question shall arise touching the Title to the Money.

XXXVI. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, 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 Acts and this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

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

Public Act.

[*Local.*]

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XXXVIII. And

Commence-
ment and
Continuance
of this Act.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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. 1825.