



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 38.

An Act to continue the Term and alter the Powers of Two Acts for repairing the Road from the *Mansfield* and *Chesterfield* Turnpike Road to *Buntingfield Nook*, in the County of *Derby*; and for making a new Road from *Tupton Nether Green*, to *Stubbing Edge Lane* and *Knot Cross*, in the said County.  
[27th May 1808.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for repairing and widening the Road from the Mansfield and Chesterfield Turnpike Road, near the Nine Mile Stone from Mansfield, through Temple Normanton, Tupton New Inclosure, and Birkin Lane, to Buntingfield Nook in the Parish of Ashover in the County of Derby:* And whereas another Act was passed in the Twenty-eighth Year of the Reign of His said Majesty, intituled, *An Act for enlarging the Term and Powers of an Act, passed in the Sixth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the Mansfield and Chesterfield Turnpike Road, near the Nine Mile Stone from Mansfield, through Temple Normanton, Tupton New Inclosure, and Birkin Lane, to Buntingfield Nook in the Parish of Ashover in the County of Derby:* And whereas the Trustees appointed in and by virtue of the said Acts have made great Progress in the Execution thereof, and have for that Purpose

[Loc. & Per.] 7 C



pose borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, but find that the Money so borrowed cannot be repaid, nor the Road properly amended and kept in sufficient Repair, unless the Term granted by the said Acts be continued, and the Powers and Provisions thereof amended and enlarged: And whereas it would be a great Convenience to the Neighbourhood, and of publick Utility, if a new Road were made, branching out of and from the said Turnpike Road, at or near to a Place called *Tupton Nether Green*, otherwise *Tupton New Inclosure*, and proceeding from thence to a certain Wood called *Britton Wood*, and from thence through sundry inclosed Lands belonging respectively to the Right Honourable Sir *Joseph Banks* Baronet, and Knight of the most Honourable Order of the Bath, Sir *Thomas Windsor Hunloke* Baronet, and to *George Allen* Esquire, unto and as far as the aforesaid *Mansfield* and *Kelsidge* Turnpike Road, so as to join the same at or near the Bottom of *Stubbing-edge Lane*, and from the said last mentioned Turnpike Road unto a certain Place called *Knot Cross*, in the Parish of *Ashover* aforesaid, and included under the Powers and Provisions of the said recited Acts and this Act; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Sixth and Twenty-eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties, and such as are by this Act repealed, varied, or altered), shall be and continue in full force and effect, and be executed for and during the Term herein-after mentioned, not only for the Purposes of the said Acts, but also for the Purpose of setting out, making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the said new and additional Road, or Branch of Road, herein-before particularly mentioned and described, as fully and effectually to all Intents and Purposes as if the said new and additional Road or Branch of Road had been originally included in the said recited Acts, and as if the same Clauses, Powers, Provisions, Matters, and Things, were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments and Alterations herein contained; and this Act and the additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on Account of the said recited Acts, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Acts and of this Act, and of all Interest now due and to grow due for the same respectively, in Manner herein-after mentioned.

Term enlarged.

Plan and Book of Reference.

II. And whereas a Map or Plan, describing the Line of the said new Branch of Road, and the Lands through which the same is to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed 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 Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, 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



their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said new Branch of Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

III. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Branch of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may  
make Roads  
through  
Lands though  
Owner's Name  
not in Book  
of Reference.

IV. And be it further enacted, That *George Allen, Thomas Astley* Clerk, *New Trustees,* the Right Honourable Sir *Joseph Banks* Baronet, and Knight of the most Honourable Order of the Bath, *Thomas Barker, John Barker, George Bosley* Clerk, *William Bagnshaw* Clerk, *Mountague Blackwell, James Bosley, John Bower, William Bamford, John Mellor Brown, John Boler, Samuel Browne, John Browne, John Bunting, Thomas Bower, Thomas Bower the younger, Joseph Butler, Joseph Bee, John Cock, John Charge, James Croft, John Cartledge, John Tatton Cartledge, Josiah Claughton, John Clayton, William Creswicke, Richard Calton, Thomas Dutton, John Dutton, Samuel Dutton, John Dixon, Pym Denton, John Elam, Francis Eyre, Thomas Field* Clerk, *George Fletcher* Doctor of Physic, *William Burgoine Fennell, Jasper Fidler, Philip Gell, Joseph Graham, William Gell, Charles Gladwin, George Gosling, Joseph Gratton Maltster, Joseph Gratton Mercer, William Gill, Richard Gillett, John Gregory, Sir Thomas Windsor Hunloke* Baronet, *James Hunloke, Thomas Hallows, John Heaton, Edward Heathcote* Clerk, *George Holcombe* Clerk, *Joseph Hinde, Mark Hewitt, Richard Roundel Hurwood, Joseph Hoole, Avery Jebb, Joshua Jebb, Richard Jebb, Thomas Inman, John Inman, Richards Ince, Thomas Knowlton, Charles Kinder, Clement Kynnersley, William Alwood Lord, William Lang, Robert Lowndes, Bernard Lucas Junior, Thomas Lowndes, Anthony Lax Maynard, William Milnes, John Milnes, Robert Malkin, Henry Malkin, Marmaduke Middleton Middleton, William Mellor, Thomas Macdonagh, Robert Milward, Robert Mason, John Mugliston, George Mugliston, Richard Wood Neville, Joseph Nall, John Nuttall, George Nuttall, William Paitson, Jarvis Prince, John Rooth, Benjamin Rooth, Robert Rodgers, John Rodgers, William Robinson the younger, Sitwell Sitwell, Adam Barker Slater, Jonathan Stokes* Doctor of Physic, *Lawrence Short* Clerk, *Thomas Smith, William Smith, Ebenezer Smith, John Smith, Joseph Storrs, William Stubbing, Robert Sbirth, Thomas Sykes, George Taylor, Wotton Byrchinshaw Thomas, John Twigg, William Waller, Robert Waller, William Wingfield, Isaac Wilkinson, John Wilkinson, William Wright, John White, Adam Wolley, John Walker, John Wood Clerk, Robert Wood, and William Wray,* being qualified according to the Directions of the said recited Acts, shall be and they are hereby added to and joined with the Trustees appointed



pointed in or by virtue of the said recited Acts; and that the Trustees hereby appointed, together with the surviving and remaining Trustees appointed in or by virtue of the said recited Acts, shall be and are hereby empowered to put the said recited Acts and this Act in Execution, as fully and effectually to all Intents and Purposes as if they had been appointed in or by virtue of the said recited Acts.

After the new Branch is made the Funds to be distinct, and applied to the Payment of old and new Mortgages respectively, without any Priority.

V. And be it further enacted, That until the said new Branch of Road shall be made and completed, for the Passage of Horses, Cattle, Carts, and Carriages, on the same, the Tolls authorized by the said recited Acts to be taken on the Roads therein mentioned, shall be collected and received by and on the sole Account of the several Persons who have advanced Money on the Credit of the said Acts; and that from and after the said Branch of Road, or such Part and so much thereof as extends from the said *Tupton Nether Green* to the said *Mansfield* and *Kelstidge* Turnpike Road, shall be made and completed, and Tolls actually taken thereon, the Tolls directed to be taken on the Roads comprized in the said recited Acts, and on the said new Branch of Road respectively, shall thenceforward be distinct and separate Funds, and be paid and applied in Payment and Discharge of the Interest due and to become due to the Creditors of the different Roads respectively, without any Preference or Priority whatsoever.

Tolls to be taken on the new Branch of Road.

VI. And be it further enacted, That after the said Branch, or such Part thereof as aforesaid, shall be made, there shall and may be demanded, taken, collected, and received, at the several and respective Gates, or Turnpikes, which shall be erected upon, across, or by the Side of the said Branch of Road, the following Tolls and Duties; that is to say,

For every Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig, Chair, or Taxed Cart, and every other Carriage on Springs, drawn by Six Horses, or other Beasts, the Sum of Two Shillings and Sixpence; and drawn by Four Horses, or other Beasts, the Sum of One Shilling and Sixpence; and drawn by Two Horses, or other Beasts, the Sum of Nine-pence; and for every Chaise or Chair, drawn by One Horse, or other Beast, the Sum of Four-pence Halfpenny.

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, drawn by Six or more Horses, or other Beasts, the Sum of Two Shillings and Sixpence; but if the Wheels shall run in a Track, the Breadth of which shall be either on the Outside under Four Feet Five Inches, or on the Inside above Five Feet Eight Inches, then the Sum of Two Shillings; but if the Axle-tree, Bushes, and Wheels, of such Carriages, are made perfectly cylindrical, then the Sum of One Shilling and Three-pence.

For every such Waggon, Wain, Cart, or Carriage, as aforesaid, drawn by Five Horses, the Sum of Two Shillings; but if the Wheels run in either of the before-mentioned Tracks, then the Sum of One Shilling and Sixpence; and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of One Shilling.

For every such Waggon, Wain, Cart, or Carriage, as aforesaid, drawn by Four Horses, the Sum of One Shilling and Sixpence; but if the Wheels run



run in either of the before-mentioned Tracks, then the Sum of One Shilling, and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of Eight-pence.

For every such Waggon, Wain, Cart, or Carriage, as aforesaid, drawn by Three Horses, the Sum of One Shilling, but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Eight-pence, and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of Sixpence.

For every such Waggon, Wain, Cart, or Carriage, as aforesaid, drawn by Two Horses, the Sum of Eight-pence, but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Sixpence, and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of Four-pence.

For every such Waggon, Wain, Cart, or Carriage, as aforesaid, drawn by One Horse, the Sum of Four-pence, but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Three-pence, and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of Two-pence.

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, drawn by Four Horses, or other Beasts, the Sum of Two Shillings and Sixpence, and if drawn by Three Horses, or other Beasts, the Sum of One Shilling and Nine-pence.

For every such Waggon, Wain, Cart, or Carriage, as last-mentioned, drawn by Two Horses, or other Beasts, the Sum of One Shilling, but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Sixpence, and for every such Waggon, Wain, Cart, or Carriage, as last-mentioned, drawn by one Horse, or other Beast, the Sum of Sixpence, but if the Wheels run in either of the before-mentioned Tracks, then the Sum of Three-pence, and if the Axle-tree, Bushes, and Wheels, are made in Manner aforesaid, then the Sum of Two-pence.

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

For every Pair of Mill Stones, or Block or Blocks of Stone, or Timber, drawn by Four or more Horses, or other Beasts, the Sum of Three Shillings and Sixpence.

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

Tolls vested in the Trustees, and may be recovered, &c. in the same Manner as the Tolls granted by the said Acts are to be recovered.



One Toll only  
payable on the  
new Branch.

VII. Provided nevertheless, and be it further enacted, That if there shall be more than One Toll Gate erected upon the said new Branch of Road, no Person having paid the Toll at one of the said Toll Gates, shall be liable on the same Day to pay Toll at any other Toll Gate erected or to be erected upon the said new Branch of Road for passing with the same Cattle or Carriages, such Person producing a Note or Ticket denoting such Payment; which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis* on Demand on Receipt of the said Tolls: Provided also, that no Toll Gate or Bar shall be erected on any Part of the said new Branch of Road between *Britton Wood Nook* and the Junction of the new Branch of Road with the present Road at *Tupton Nether Green*.

General Ex-  
emptions.

VIII. And be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, Horse, or other Beasts employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Waggon, Wain, Cart, Carriage, Horse, or other Beasts employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Lime excepted) employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Lime to be used solely in manuring or improving Lands or Grounds within any Township or Parish liable to do Statute Work on any Part of the new Branch of Road hereby directed to be made, provided that such Lime arise, be got, made, and used in the same Township or Parish, and not elsewhere; or for any Horse or Cattle going to or returning from Pasture or Watering Places, or going to be, or returning from being shod or farried; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of religious Worship, tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Curate going to or returning from visiting any sick Person, or upon other his Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriages of whatsoever Description employed, or to be employed, in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cart, or Waggon attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according



according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, or any Passenger on horseback going to or returning from any Election of a Member to serve in Parliament for the said County of *Derby*; or for any Horse, Beast, or Carriage laden with Charcoal or Ironstone only, belonging to the Proprietors of the Iron Works at *Wingerworth* in the said County of *Derby*; and if any Person or Persons shall claim or take the Benefit of any of the aforesaid Exemptions, not being legally entitled thereto, every such Person or Persons shall for every Offence forfeit and pay any Sum not exceeding Forty Shillings.

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

Meetings on  
Emergencies.

X. And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from the Alfreton Turnpike Road near a Place called Little Robins, in the Parish of Mansfield, in the County of Nottingham, through Woolley Moor to the Nottingham Turnpike Road near Tansley, in the County of Derby, and from Woolley Moor to the Chesterfield Turnpike Road at Kelsledge, in the said County of Derby*: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for reviving, continuing, and enlarging the Term and Powers of an Act made in the Fifth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the Alfreton Turnpike Road near a Place called Little Robins, in the Parish of Mansfield, in the County of Nottingham, through Woolley Moor to the Nottingham Turnpike Road near Tansley, in the County of Derby, and from Woolley Moor to the Chesterfield Turnpike Road at Kelsledge, in the said County of Derby*: And whereas Horses and Carriages travelling on the intended new Branch of Road hereby directed to be made will pass and repass from or near the Bottom of *Stubbing-edge Lane* aforesaid, where the said intended new Branch of Road will join to and communicate with the said Road in the said last recited Acts mentioned, unto and as far as *Kelsledge* aforesaid, under the Care of the Trustees appointed by the said last recited Acts: And whereas, in consideration of the great Advantage which the said intended new Branch of Road will produce to the Neighbourhood thereof, the said last mentioned Trustees have, at one of their Meetings, agreed to divert the Course of the Road under their Care at or near *Coppice Chain*, and

5 G. 3. c. 90.

28 G. 3. c. 87.

Composition  
to be paid to  
Trustees of  
Mansfield and  
Kelsledge  
Roads.

and make the same more level than it is at present, and to permit Horses and Carriages going to or from the said intended new Branch of Road to pass along the said Piece of Road Toll-free, on Condition of receiving the annual Sum of Twenty-five Pounds from the Trustees for executing this Act, as a Composition for the Tolls that would be payable for such Horses and Carriages; be it therefore enacted, That after the said new Branch of Road, or such Part thereof as aforesaid, shall be made, there shall be yearly and every Year paid by and out of the Tolls to be collected and received upon the said new Branch of Road under the Authority of this Act, to the Treasurer of the Trustees of the said *Mansfield* and *Kelstidge* Turnpike Road, or such other Person or Persons as they shall authorize to receive the same, the clear Sum of Twenty-five Pounds, which shall be accepted by them as a Composition for the said free Passage granted by them on the said Piece of Road herein-before described, and also for the Diversion and Alteration agreed to be made and performed by them upon the aforesaid Part of the said *Mansfield* and *Kelstidge* Turnpike Road.

Composi-  
tion, when  
payable, and  
how to be  
recovered.

XI. And be it further enacted, That the said Composition or annual Sum of Twenty-five Pounds shall not begin to be payable as aforesaid, until the aforesaid Part of the said *Mansfield* and *Kelstidge* Turnpike Road shall be so diverted, and well and sufficiently levelled, repaired, and amended, nor until the said new Branch of Road, or such Part thereof as aforesaid, shall be completed, and Tolls shall begin to be received thereon, or until the same shall be opened for Passage of Horses and Carriages, (Notice in Writing whereof shall be delivered by the Clerk or Treasurer of the said new Branch of Road, to the Trustees acting under the said Acts relative to the *Mansfield* and *Kelstidge* Turnpike Road, within Seven Days after such Toll shall begin to be taken); but such Composition shall be computed from the Day whereon the Tolls shall begin to be paid, and shall be paid on the same Day in every succeeding Year; and in Default of such Payment for the Space of Thirty Days after the same shall from Time to Time become due, such annual Sum of Twenty-five Pounds or any Part thereof, shall and may be recovered from the Trustees appointed in and by this Act, or from their Treasurer for the Time being, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Treasurer or Treasurers for the Time being, of the said *Mansfield* and *Kelstidge* Turnpike Road, against the Treasurer for the Time being of the said Trustees for executing this Act; and the said Sum of Twenty-five Pounds shall be applied and disposed of in such and the same Manner as the Tolls payable by virtue of the said Two last recited Acts, are directed to be applied and disposed of.

No Preference  
to be given to  
Mortgagees.

XII. And be it further enacted, That no Preference shall be given to any Person or Persons, who hath or have heretofore advanced and lent, or at any Time or Times hereafter, shall advance and lend any Sum or Sums of Money upon the Credit of the said former Acts or of this Act, in respect to the Priority of advancing such Sum or Sums, but all Persons to whom any Mortgages or Assignments have been, or shall hereafter be made, shall be in Proportion to the Sum or Sums therein mentioned, Creditors in equal Degree one with another; and in case any Creditor shall, by Ejectment, or other due Course of Law, recover, or get Possession of all or any of the Toll Bars or Tolls, to be collected by virtue of the former Acts or of this



this Act, he shall be deemed to hold the same in Trust for the Benefit of himself and all other the Creditors of the said former Acts and this Act, in an equal Degree, and shall account for and pay all the Money he shall receive amongst all the Creditors or Mortgagees, in Proportion to the Sum or Sums of Money advanced on their Parts respectively, on the Credit of the said Tolls.

XIII. And be it further enacted, That so much of the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory thereto, as is consequent upon a Renewal of the said recited Acts, shall be paid and discharged by the said Trustees out of any Money already collected or received, or hereafter to arise by virtue of the said first recited Acts or this Act, on the Road directed to be repaired by the said Acts; but that all Expences in anywise consequent upon, or occasioned by the said new Branch, or the Introduction of the same into this Act, shall be paid and discharged by and out of the Money subscribed as aforesaid, or to be hereafter borrowed for that Purpose, upon the Credit of the Tolls and Duties hereby granted and made payable on the said new Branch of Road.

For paying the  
Expences of  
the Act.

XIV. 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 the said former Acts and 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 in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor 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 every such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, and it shall be lawful for him to retain out of the Money then in his Hands, or out of the first Money to come to his Hands by virtue of the said former Acts and this Act, after such Action or Suit shall be concluded or discontinued, all such Payments, 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, in Preference to all other Payments whatsoever.

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

Treasurer to  
be reimbursed.

XV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons, for any Thing done or omitted to be done in pursuance of the Directions of this or the said recited Acts, until Twenty-one Days Notice shall be thereof given to the Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender hath been made by him to the Party or Parties aggrieved, which Tender the said Trustees are hereby authorized to make or order to be made by the said Treasurer, in order to prevent any such Action or Actions, and the said Treasurer shall be reimbursed the Amount of every such Tender, by the Ways and Means herein-before mentioned, in the Case of any Action or Suit being actually commenced; nor shall any such Action or Suit be

No Action to  
be brought  
without No-  
tice.

[Loc. & Per.]

7 E

commenced



commenced after Six Calendar Months next after the Fact committed, or Cause of Action arose; 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 appear to 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 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 Judgement 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.

Collectors declared competent Witnesses.

XVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Statute Work.

XVII. And be it further enacted, That so much of the said first recited Acts, as relate to the Performance of Statute Labour on the said Road, shall be, and the same is hereby repealed; and that all Persons, who, by Law, are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Derby*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of 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 do lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of, or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or their Treasurer or Treasurers; and, in order thereunto, it shall be lawful 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 Fourteen Days after the serving of such Summons,) of the Names of the several Persons, who within such Parish or Place are, by Law, subjected 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



whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute, in force and effect, for the Repairs of the Publick Highways; and out of such Lists, the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, upon the said Roads, as the said Justices shall think reasonable; and the same shall be done at such Days, and at such Times, (not being Hay Time or Harvest,) and in such Parts of the said 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 they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited 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 usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, 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 or effect, for the Repair of the Publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 if any Surveyor of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XVIII. 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 first recited Acts, and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity; as in the said first recited Act particularly mentioned

Application  
of Compensation  
when ex-  
ceeding 200l.



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 Privy of the Accountant-General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or 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 or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the 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.

Application  
of Compensation  
where the  
same does not  
exceed 200l.

XIX. Provided always, 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons, for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as 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



and approved of by Five or more of 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 any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

XX. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and 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.

Application where the Money is less than 20l.

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 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 any Five or more of them; 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 Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles,

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

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

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

Where any Question shall arise touching the Title to

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Money to be paid, the Person who shall be in Possession of the Lands at the Time of such Purchase, shall be deemed entitled thereto.

paid into the Bank of *England*, in the Name, and with the Privy 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 and this Act; or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interests 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.

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 and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases, from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXIV. 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.

Continuance of this Act.

XXV. And be it further enacted, That the said recited Acts and this Act (subject to the Alterations and Amendments herein contained) shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.