ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 3.

An Act to continue and amend Two Acts made in the Fourth and Twenty-Fifth Years of His present Majesty for reparing the Road from *Ashborne*, in the County of *Derby*, over *Belpar-Bridge* to the present Turnpike Road, from *Sheffield* and *Chesterfield* to *Derby*, at or near a Place called *Openwood-Gate*, and from *Belpar-Bridge* to *Ripley*, in the County of *Derby*. [17th *March* 1807.]

WHEREAS an Act was made in the Fourth Year of the Reign of His present Majesty, intituled "An Act for widening and "repairing the Road leading from *Ashborne*, in the County "of *Derby*, over *Belpar-Bridge* to the present Turnpike Road, from "*Sheffield* and *Chesterfield* to *Derby*, at or near a Place called *Openwood* "*Gate*, and from *Belpar-Bridge* to *Ripley*, in the County of *Derby*:" And whereas another Act was made in the Twenty-fifth Year of the Reign of His present Majesty, intituled "An Act for enlarging the "Term and Powers of an Act made in the Fourth Year of the Reign "of His present Majesty intituled "*An Act for widening and repairing* "*the Road leading from* Ashborne *in the County of* Derby, *over* Belpar-"Bridge, *to the present Turnpike Road from* Sheffield *and* Chesterfield *to* "Derby, *at or near a Place called* Openwood Gate, *and from* Belpar-"Bridge *to* Ripley *in the County of* Derby:" And whereas the Trustees appointed in or by virtue of the said Acts, have made great Progress in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls and Duties thereby granted, but find that the said Roads cannot be effectually amended, widened, and kept in

4 G. 3. c. 82.

25 G. 3. c. 121.

Repair, nor the Money borrowed repaid, unleſs the Terms granted by the ſaid Acts, are further continued and the Powers thereof amended: 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,

Acts further continued. That the ſaid recited Acts, and all the Powers, Proviſoes, Matters, and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, and as are hereby repealed) ſhall be and continue in full Force, and ſhall be executed, for and during the Term hereafter mentioned, for the Purpoſe of repairing, improving, and keeping in Repair the Roads therein mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; and the additional Term hereby granted ſhall be, and is hereby declared to be, ſubject and liable to the Payment of all the reſpective Sums of Money now due and owing on the ſaid Roads, and of ſuch other Sum or Sums of Money as ſhall or may be borrowed for the Purpoſes of the ſaid Acts, or of this Act, and of all Intereſt now due and to grow due for the ſame reſpectively.

General Exemptions. II. And be it further enacted, That from and after the paſſing of this Act, the Exemptions granted by the ſaid recited Acts ſhall be repealed, and that no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying only, or going empty to carry or convey, only, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Roads lie, or any Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners thereof, or for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plroughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Lime, Marl, Sullage, Compoſt, or other Manure employed in Huſbandry for manuring or improving Land, or any Stones, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land; or for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Bricks, Lime, Stone, Plaſter, Timber, or other Materials to be uſed for building or repairing any Church, Chapel, Houſe, Outhouſe, Barn, Stable, or Hovel within the ſame Pariſh where ſuch Bricks, Lime, Stone, Plaſter, Timber, or other Materials ſhall be made, got, or cut down; or for any Horſes or Cattle going to or returning from Paſture or Watering-Places, or for any Horſes going to be, or returning from being ſhoed, or from any Perſon going to or returning from his or her proper parochial Church, Chapel, or other Place of religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which

Divine

Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes, or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, guarding, or fetching ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes, Carts, or Waggons attending upon Soldiers upon their March, or on Duty, or drawing any Carriage attending them, with their Arms, or Baggage; nor for any Horſes furniſhed by, or for any Perſons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them, in going to or returning from the Place appointed for, or on the Days of Exerciſe, provided that ſuch Perſons be dreſſed in the Uniform of their reſpective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; or for any Horſes, Carts, Waggons, or other Carriages employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or other Carriage, or any Horſe or other Beaſt conveying any Perſon or Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Derby* and *Nottingham* during the Time of ſuch Election or Elections, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim, or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Statute Work.

III. And be it further enacted, That ſo much of the ſaid recited Acts, as relate to the Performance of Statute Labour on the ſaid Roads, 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 Roads hereby directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Derby* and *Nottingham*, or either of them, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or by their Order yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time,

to

to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe; and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done 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 Penalties by the ſaid recited Acts are authoriſed 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 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 Public Highways; or 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 of the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be ſo found idle or negligent as aforeſaid; and in that Caſe, every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as 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 for the Time being, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts,

every

every ſuch Surveyor, ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation, if amounting to 200l.

IV. And be it further enacted, That if any Money ſhall be paid, or 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, and this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid recited 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 or Redemption of the Land-Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall 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, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled, or limited; or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant-General, in his Name, in the Purchaſe of Three Pounds *per Centum*, Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes 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 ſaid Lands, Tenements, and Hereditaments to be purchaſed by virtue of the ſaid recited Acts, and this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation, if leſs

V. Provided always, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments

than 200l. and exceeding 20l.

taments 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 exceed or be equal to the Sum of Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, 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 High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe, the ſame ſhall be paid at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees for executing the ſaid recited Acts, and this Act; (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch principal Money, and the Dividends ariſing thereon may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Compenſation, if leſs than 20l.

VI. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next beforementioned ſhall be leſs than Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Acts, or this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Title.

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.

VII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited 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 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

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 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.

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

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

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

IX. 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 out of the Monies to be received by virtue of the ſaid recited Acts, and this Act, who ſhall, from Time

Time to Time, pay such Sums of Money for such Purposes as the said Court shall direct.

For paying Expences of the Act.

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

Public Act.

XI. 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.

Continuance of the Act.

XII. And be it further enacted, That the said recited Acts, (subject to the Alterations in this Act contained,) shall continue and be in Force, and be executed for and during the Residue now to come of the Term granted and continued by the said recited Acts, and from the Expiration thereof 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. 1807.