ANNO QUINQUAGESIMO SECUNDO

# GEORGII III. REGIS.

## *Cap.* 31.

An Act for enlarging the Term and Powers of an Act of King *George* the Second, and Two Acts of His present Majesty, for repairing the Roads from *Chesterfield* to *Hernstone-lane Head*, with its Branches; and for amending and making a certain other Road to communicate therewith, all in the County of *Derby*. [20th *March* 1812.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from* Chesterfield *to the Turnpike Road at* Hernstone-lane Head, *and also the Road branching from the said Road upon the East Moor through* Baslow *and* Wardlow *to the joining of the said Roads again near* Wardlow Mires, *and also the Road leading between the said Road and Branch from* Calver *Bridge to* Baslow *Bridge, and also the Road from the Turnpike Road near* Newhaven *House to the Turnpike Road near* Grindleford *Bridge, in the County of* Derby: And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-second Year of the Reign of His Majesty King* George *the Second, intituled* '*An Act for repairing and widening the Road from* Chesterfield *to the Turnpike Road at* Hernstone-lane Head, *and also the Road branching from the said Road upon the East Moor through* Baslow *and* Wardlow *to the joining of the said Roads again near* Wardlow Mires, *and also the Road leading between* 32 G. 2. c. 43. 19 G. 3. c. 87.

*tween the said Road and Branch from* Culver *Bridge to* Baslow *Bridge, and also the Road from the Turnpike Road near* Newhaven *House to the Turnpike Road near* Grindleford *Bridge, in the County of* Derby:' And whereas another Act was passed in the Forty-first Year of the Reign of His present
41 G. 3. c. 2. Majesty, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts passed in the Thirty-second 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 Road from* Chesterfield *to the Turnpike Road at* Hernstone-lane Head, *and several other Roads in the said Acts mentioned, all in the County of* Derby: And whereas great Progress has been made in the Execution of the said Act, and a considerable Sum of Money borrowed upon the Credit of the Tolls, now remains due, which cannot be repaid, nor the said Roads effectually amended and kept in Repair, unless the Term granted by the said Act be continued, and the Powers and Provisions thereof altered and enlarged, and the present Tolls increased: And whereas it would be a great Accommodation to the Neighbourhood, and of public Utility, if the Road leading from *Chesterfield* to *Baslow*, being Part of the said Road from *Chesterfield* to *Hernstone-lane Head*, was diverted or turned from a certain Part thereof at a Place called *Brampton Moor* in the Parish or Free Chapelry of *Brampton*, and extending over Part of the said Moor, and from thence by or near certain Places called *Brookside, Hilltop, Chander Hill, Roughford Hall Cliffe* and *Wadshelf*, all in the said Parish or Free Chapelry; and extending from *Wadshelf* aforesaid, over Part of the Waste Lands within the said Parish or Free Chapelry of *Brampton*, in a North-westerly Direction, to the Hamlet of *Baslow*, and from thence over Part of the Waste Lands in the said Hamlet of *Baslow*, to the Side of a Brook in the said Hamlet called *Humberley*, and proceeding on the South Side of the said Brook to a Bridge over the said Brook called *New Bridge* in the said Hamlet of *Baslow*; and if such new Diversion of Road was to be put under the Care and Management of the Trustees for executing the said recited Acts and this Act: But as the said Purposes cannot be effected without the Authority of Parliament, 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, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained, except such as are by this Act varied, altered or repealed, (and also such as relate to Exemptions from Stamp Duties,) shall be and remain in full Force and Effect, and together with this present Act shall be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of amending, widening, improving and keeping in Repair the Roads included in the said recited Acts, as for amending, making, widening, improving, and keeping in Repair the said new Diversion of Road hereby authorized to be made and repaired, as fully and effectually in all Respects and to all Intents and Purposes, as if the said recited Acts, and all the Clauses, Powers and Provisions therein contained were expressly repeated and re-enacted in this Act, and as if the said new Diversion of Road had been Part of the Road included in the said recited Acts; but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect upon the First Day of *April* One thousand

Former Acts renewed, and a new Diversion of Road put under this Act.

thouſand eight hundred and twelve; and that this Act and the Term and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing, or which may hereafter become due and owing on the Credit of the ſaid recited Acts and this Act, or either of them, and all Intereſt due and to become due for the ſame reſpectively.

No Order of the Truſtees to be revoked unleſs Eleven be preſent.

II. And be it further enacted, That no Order made by the ſaid Truſtees, or any Five or more of them, in, for or concerning the executing the Truſts, Powers, and Authorities of this Act, or any of them, ſhall be revoked, repealed, or ſet aſide by any ſubſequent Order of the Truſtees, unleſs Eleven Truſtees ſhall be then preſent and conſenting thereto.

Truſtees may erect Turnpikes on new Diverſion of Road.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, when and ſo ſoon as the ſaid new Diverſion of Road ſhall be made and completed for the Paſſage of Cattle and Carriages, to erect and ſet up or cauſe to be erected and ſet up one or more Gate or Gates, Turnpike or Turnpikes, upon or acroſs the ſaid new Diverſion of Road, and alſo a Toll-houſe or Toll-houſes, with ſuitable Out-buildings thereto; and alſo to take in and incloſe from the ſaid new Diverſion of Road, a Garden Spot or Garden Spots, not exceeding in Quantity One-eighth part of an Acre of Land, ſuitable and convenient for ſuch Toll Houſe or Toll-houſes, and alſo to pull down and remove the ſame or any of them, as they the ſaid Truſtees or any Five or more of them ſhall judge proper; and the ſaid Gates, Turnpikes, Toll-houſes, and Premiſes, and the Materials thereof, ſhall be veſted in the ſaid Truſtees, with and under the ſame Powers and Proviſions as are contained in the ſaid firſt recited Act, with reſpect to the Gates and Toll Houſes thereby authorized to be made.

No Tollgate to be erected on the Road between Baſlow Bridge and the Blue Gates.

IV. And be it further enacted, That no Toll Gate or Side Gate ſhall be erected upon or on the Sides of that Part of the ſaid Road which lies between the preſent Toll Gate at *Baſlow* Bridge, and within Ten Yards Eaſtward of the Blue Gates on the private Carriage Road leading to *Chatſworth*.

For repealing the preſent Tolls and granting new ones.

V. And whereas the Amount of Tolls granted and authorized to be taken by virtue of the ſaid recited Acts, have been found inſufficient for amending and keeping the ſaid Roads in good Repair, and for executing the ſeveral Purpoſes of the ſaid Acts and this Act; and a certain Toll not exceeding One Half of any Toll authorized to be taken by the ſaid recited Acts at any Toll-Gate then erected or to be erected on the ſaid Roads, and which has hitherto been collected at *Baſlow* Bridge, is found to be inconvenient; wherefore it is expedient that the ſame Tolls ſhould be ſeverally repealed, and further and other Tolls granted inſtead thereof reſpectively; be it therefore enacted, That from and after the Firſt Day of *April* One thouſand eight hundred andtwelve, the ſeveral Tolls granted and authorized to be taken by virtue of the ſaid recited Acts or any of them, ſhall be and the ſame are hereby ſeverally repealed; and that inſtead thereof, there ſhall be demanded and taken at each and every of the ſeveral and reſpective

reſpective Toll Gates, Bars, and Turnpikes already ſet up and erected upon the ſaid Roads, or which may hereafter be ſet up and erected upon the ſaid Roads, or upon the ſaid new Diverſion of Road, or upon any Part thereof reſpectively, ſubject to the Proviſo herein-after contained, ſuch Tolls as the ſaid Truſtees or any Five or more of them ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums hereafter mentioned, before any Horſe, Beaſt, Cattle or Carriage, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls. For every Horſe or other Beaſt of Draught drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Curricle, Hearſe, Calaſh, Chaiſe Marine, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe or other Beaſt of Draught drawing any Waggon, or other ſuch Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, with flat Surfaces, the Sum of Four-pence Halfpenny:

For every Horſe or other Beaſt of Draught drawing any Waggon or other ſuch Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Sixteen Inches, with flat Surfaces, the Sum of Three-pence:

For every Horſe or other Beaſt of Draught drawing any Cart or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, with flat Surfaces, the Sum of Four-pence Half-penny:

For every Horſe or other Beaſt of Draught drawing any Waggon or other ſuch Four-wheeled Carriage, and for every Horſe or other Beaſt of Draught drawing any Cart or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, with flat Surfaces, the Sum of Sixpence:

For every Horſe or other Beaſt of Draught drawing any Waggon or other ſuch Four-wheeled Carriage, and for every Horſe or other Beaſt of Draught drawing any Cart or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, with flat Surfaces, the Sum of Eight-pence:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence *per* Score; and ſo in Proportion for any 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 leſs Number.

Which ſaid reſpective Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and they or any Five or more of them ſhall have ſuch and the ſame Powers and Authorities for collecting, receiving, levying, recovering, varying, mortgaging, transferring, leaſing, and compounding for the ſame, as are given and expreſſed in and by the ſaid recited Acts or any of them, with reſpect to the Tolls thereby granted or authorized to be taken: Provided always, that nothing herein contained as to the increaſing the Amount of Tolls as aforeſaid, ſhall extend or be conſtrued to extend to the varying, altering, or repealing any of the Proviſions contained in the ſaid recited Acts, reſtricting the Number of Tolls to be taken on the whole and certain Parts of the ſaid Roads; but that all ſuch

such Provisions shall remain in full Force and Virtue, and shall extend to and are meant and intended to extend to and be executed upon the said new Diversion of Road, as well as to the old or original Road.

Tolls to be paid but once a Day, except in certain Cases as a Back Toll.

VI. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected upon any of the said Roads, shall be subject to any Toll for returning through such Turnpike the same Day, before Twelve of the Clock at Night, 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, 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 other such like Carriages which shall pass through any of the said Turnpikes loaden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and shall return the same Day also loaden with any Loading of the like Weight of Three hundred Pounds or upwards; and also except any such Coach, Berlin, Landau, Chariot, Calash, Chaise with Four Wheels or Caravan, or by what Name soever such Carriage or Carriages now is or are or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a public Stage Coach or Stage Coaches or Stage Carriages employed in carrying Passengers for Hire, to and from different Places; in all which excepted Cases one Half of the Tolls aforesaid shall be again paid.

So much of 41 G. 3. as enacts that no Toll be taken nearer Chesterfield than Ashgate repealed.

VII. And whereas some of the Restrictions in the said recited Acts contained, respecting the erecting of Toll Gates, are found prejudicial to the said Roads, as well as inapplicable to the said new Diversion of Road; be it therefore further enacted, That so much of the said recited Act of the Forty-first Year of His present Majesty, as enacts that in case any Toll Gate or Toll Gates shall be erected on any Part of the said Roads between the Town of *Chesterfield* and the present Toll Gate at *Ashgate*, not more than Three-fourth Parts of the respective Tolls now payable shall be demanded or taken at any such additional Gate or Gates for certain Horses or other Beasts laden with or drawing any Carriages laden as therein mentioned, and as enacts a total Exemption from Toll at any such additional Toll Gate or Gates, for any Horse or other Beast or Cattle (if the respective Toll shall have been paid for the same on the same Day at *Ashgate* aforesaid), and also a total Exemption from Toll at any such additional Toll Gate or Gates for Horses or other Beasts, laden only with or drawing any Carriage laden only with Coals, or going to be or returning after having been so employed, and also a total Exemption from Toll at any such Toll Gate for any Horse or other Beast used for Riding, or drawing any Coach or other pleasurable Carriage therein enumerated, shall be and the same is hereby declared to be repealed.

No Toll to be taken on the old Road nearer to Chesterfield than Ashgate; nor on the new Diversion nearer to

VIII. Provided nevertheless, and be it further enacted, That no Toll shall be demanded or taken for any Horses, Cattle, pleasurable Carriages, or Carts laden with Coals, travelling on any Part of the said Roads lying between *Ashgate* and *Chesterfield* aforesaid, nearer to the said Town of *Chesterfield* than the present Toll Gate at *Ashgate*; and that no Toll shall be demanded or taken for any Horses, Cattle, pleasurable Carriages, or Carts

Chesterfield than Brookside, except, &c.

Carts loaden with Coals only travelling on the said new Diversion of Road nearer to the said Town of *Chesterfield* than *Brookeside* aforesaid: Provided further, that it shall be lawful for the said Trustees to erect a Toll Gate or Toll Gates on, or set up a Chain or Chains across any Part or Parts of the said Roads lying between the said Town of *Chesterfield* and *Brookeside* aforesaid, and between *Chesterfield* aforesaid and the present Toll Gate at *Ashgate*; and to demand and take at One of such Toll Gate or Toll Gates, Chain or Chains, between *Chesterfield* and *Brookeside* aforesaid, and at One of such Toll Gate or Toll Gates, Chain or Chains, between *Chesterfield* and *Ashgate* aforesaid, any Toll not exceeding Three-fourth Parts of the respective Tolls above-mentioned, for all Horses and other Cattle drawing any Carriage or Carriages loaden with Clay, Bricks, Stone, Ironstone, or other Minerals, except Coal as aforesaid.

Directing how Money raised under the Act shall be applied.

IX. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them from Time to Time, upon the Credit of the said recited Acts and this Act, and of the Tolls hereby granted, to borrow and take up at Interest any such Sum or Sums of Money as they may judge requisite for carrying into Execution the several Purposes and Powers of the said recited Acts and this Act; and that all the Tolls collected or levied, and all the Monies to be borrowed as aforesaid, and also all other Monies which shall come to the Hands of the said Trustees by virtue or under the Authority of the said recited Acts and this Act, shall be applied, subject to the Directions herein-after mentioned as to the Expences of obtaining and passing this Act, from Time to Time in defraying the Costs, Charges and Expences of amending, diverting, turning, altering, improving and maintaining the said Roads, and all other Costs, Charges and Expences incurred or to be incurred in putting the said recited Acts and this Act, and the several Purposes and Powers thereof into Execution, and in repaying the Monies borrowed or to be borrowed on the Credit thereof, and the Interest due and to grow due thereupon respectively, and to no other Use or Purpose whatsoever; any Thing in the said recited Acts contained to the contrary notwithstanding.

Tolls on new and old Roads to be consolidated after Interest Money paid off.

X. Provided nevertheless, and be it further enacted, That until all Arrears of Interest which shall be due at the Time of the passing of this Act, to the several Persons who have advanced Money on the Credit of the said recited Acts, shall have been paid off and discharged, the Tolls to be collected on the said new Diversion of Road, shall be applied exclusively towards the Purposes of the said new Diversion of Road; and when and so soon as all such Interest Money shall have been paid off and discharged, then and not before, the Tolls directed to be taken on the said Roads comprized in the said recited Acts, and on the said new Diversion of Road, shall be consolidated, and form one joint Fund for the Purposes of the said recited Acts and this Act, and be paid and applied in Discharge of future accruing Interest to the old and new Mortgages respectively, the Interest to the new Mortgages to commence from the Time of advancing their respective Monies, without any Preference or Priority whatsoever.

Exemptions from Toll.

XI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying

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or conveying, or going empty to fetch, carry or convey, 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 making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or with Seed for ſeeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out-houſes or Yards, or on the Lands of the Owners thereof, or for any Horſe, Beaſt or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt or Manure, (Limeſtone and Lime only excepted), employed in Huſbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering-place, or going to be or returning from being ſhoed or farried, or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies, or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes 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 or guarding ſuch Mails and Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage or Waggon employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded or diſabled Officers or Soldiers, or for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, or Barrack or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Derby* on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take

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the Benefit of any of the Exemptions aforesaid, 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 be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

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

Empowering the Trustees to make the new Diversion of Road.

XIII. And be it further enacted, That it shall be lawful for the said Trustees appointed under or by virtue of the said recited Acts, or any Five or more of them, or for such Persons as they or any Five or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to set and stake out, and to form, make and complete a new Diversion of Road from, or from near a certain Part of the said present Road, at a Place called *Brampton Moor* in the Parish or Free Chapelry of *Brampton*, and extending over Part of the said Moor, and from thence by or near certain Places called *Brookside*, *Hill-top*, *Chander Hill*, *Roughford*, *Hall Cliff*, and *Wadshelf*, all in the said Parish or Free Chapelry, and extending from *Wadshelf* aforesaid, over Part of the Waste Lands within the said Parish or Free Chapelry of *Brampton*, in a North-westerly Direction, to the Hamlet of *Baslow*, and from thence over Part of the Waste Lands in the said Hamlet of *Baslow*, to the Side of a Brook in the said Hamlet, called *Humberley*, and proceeding on the South Side of the said Brook to a Bridge over the said Brook, called *New Bridge* in the said Hamlet of *Baslow*; and for that Purpose it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants and Workmen, with or without Carriages or Cattle, to enter and be upon any private Lands, Grounds and Hereditaments through which or whereupon the said new Diversion of Road is intended to pass, or the Lands or Grounds adjoining thereto, first making Satisfaction to all Parties interested, in Manner directed by the said recited Acts, but without making any Compensation or Satisfaction for any Part of any Commons or Waste Grounds which may be entered upon and used for the Purpose of making or diverting the said new Diversion of Road; and to cut and make such Drains, Gutters and Tunnels, in or upon the Lands adjoining or near such new Diversion of Road, as shall be by them thought necessary or proper for draining the Water from such new Diversion of Road, according to the true Intent and Meaning of this Act, doing as little Damage as may be, in the Execution of the Powers

Powers to them hereby granted, and making reasonable Satisfaction to the Owners or Proprietors of and all Persons interested in such Lands, for all Damages which shall be sustained by executing the Powers and Authorities hereby given; and in case any Difference concerning the same shall arise between the said Trustees and such Owners or Proprietors and Persons interested as aforesaid, the same shall be ascertained and settled by a Jury in Manner directed by the said recited Act with respect to the Valuation of Land intended to be made Part of the Roads therein described; and which said new Diversion of Road, where the same shall be made over Waste Lands, shall not be of less Breadth than Fifty Feet; and where the same shall be made over Open Fields and old inclosed Lands shall not be of less Breadth than Thirty-six Feet.

Plan and Book of Reference to remain with the Clerk of the Peace.

XIV. And whereas a Map or Plan describing the Lines of the said new Diversion of Road, and the Lands through which the same are to be respectively carried, together with a Book 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 of the County of *Derby*; be it therefore enacted, That the said Map or Plan and the Book of Reference shall remain in the Custody of the Clerk of the Peace in whose Office the same are deposited, 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 for every Seventy-two 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 Diversion of Road, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, into or through whose Lands or Grounds such Deviation shall be made.

Trustees may make the Road through Lands and Grounds, although the Owners Names are not in the Book of Reference.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Diversion 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 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 have been omitted or misstated 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 restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XVI. Provided always, and be it further enacted, That the Powers and Authorities hereby given, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make Use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Plan and Book of Reference;

ference; any Thing in this Act or the said recited Act contained to the contrary in anywise notwithstanding.

Application of Money awarded above 200l.

XVII. 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 this or the said recited Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed 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 *ex parte* the said Trustees, 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 towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, 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 and with 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, or 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 High 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 said Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this or the said recited Act, in case such Purchase or Settlement was made.

Application where the Money is less than 200l. and above 20l.

XVIII. 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 or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or

Persons

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 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 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 Five or more of the ſaid Truſtees for executing this and the ſaid recited 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 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 High Court of Chancery.

Where Money is leſs than 20*l.*

XIX. 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 this or the ſaid recited Acts, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

XX. 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 this or the ſaid recited 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 the 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 be lawful 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 High 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 High Court of Chancery; 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 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*,

*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 disputed Titles.

XXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this or the said recited Acts, 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 High 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.

Court may order reasonable Expences to be paid by the Trustees.

XXII. Provided always, 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, or Hereditaments, to be purchased under the Authority of this or the said recited Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or 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 this or the said recited Acts, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

New Bridges to be made and repaired out of the Tolls to be taken on the new Diversion of Road.

XXIII. And be it further enacted, That all and every Bridge and Bridges which it may be deemed necessary and expedient to erect over or across any Brooks or Rivulets running upon the Line of the said new Diversion of Road, shall hereafter be made, amended, improved, supported, repaired and kept in Repair, by and out of the Tolls authorized to be taken on the said new Diversion of Road.

Statute Work.

XXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing

repairing and amending the ſaid Road 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 ſaid County of *Derby*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, 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, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; 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 Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or 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 Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall or 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 this Act or the ſaid recited Acts authorized to be recovered, and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing, given to or left for him, her or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or

Juſtices to determine Differences touching Statute Work.

negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Penalties 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 Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

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

Penalty for obstructing or damaging Roads, &c.

XXVI. And be it further enacted, That if any Person shall ride upon any Footway adjoining to any of the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads or any Part thereof, or the Fences, Hedges, Backings or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully obstruct the Passage of any other Person or Persons upon the said Roads, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called *Bonfires*, or shall set Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Roads, or within Forty Yards of the same; or if any Person shall, without sufficient Cause leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or

other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof to the Prejudice thereof, or to the Prejudice or Obstruction of Persons travelling thereon, every Person so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials raised by Surveyors.

XXVII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, gotten or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors of the said Roads, or his or their Workmen shall have discontinued working therein for the Space of Twenty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his or their own Use and Benefit, not thereby injuring, obstructing or increasing the Expence of working such Quarry or Pit for the Use of the said Roads), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For compelling Payment of Subscription Money.

XXVIII. And be it further enacted, That the several Persons who have subscribed or shall subscribe to pay Money for or towards making, amending or repairing the said new Diversion of Road, shall and are hereby required to pay such Money within such Time, in such Parts and Proportions, and to such Person or Persons as the said Trustees shall direct or appoint; and in Default of such Payment such Money shall be recovered by Action at Law, to be brought by or on Behalf of the said Trustees in any of His Majesty's Courts of Record at *Westminster*.

Expences of this Act.

XXIX. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same to the Time of Payment, shall be paid and satisfied by the said Trustees out of the first Monies that shall be collected, borrowed, or received by virtue of the said recited Acts or this Act, in Preference to all other Payments and Disbursements whatsoever.

Public Act.

XXX. 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.

Commencement and Continuance of the Act.

XXXI. And be it further enacted, That the Term granted by the said recited Acts, shall on the First Day of *April* One thousand eight hundred and twelve, cease and determine; and the said recited Acts (subject to the Alterations, Variations and Additions herein-before contained) and this Act, shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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