ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxiii.

An Act for continuing the Term, and altering and enlarging the Powers of an Act of His present Majesty, for repairing the Roads from *Scaddow Gate*, in the Parish of *Ticknall*, to the *Burton-upon-Trent* and *Ashby-de-la-Zouch* Turnpike Road, and certain Roads therein mentioned, and to make and maintain other Roads to communicate therewith.

[25th *May* 1815.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for amending and repairing the Roads from a Place called* Scaddow Gate, *in the Parish of* Ticknall, *to the* Burton-upon-Trent *and* Ashby *Turnpike Road, at or near a Place called* The Wooden Box, *and certain other Roads therein mentioned, in the Counties of* Derby *and* Leicester: And whereas the Trustees, appointed in or by virtue of the said Act, have borrowed considerable Sums of Money upon the Credit of the Tolls authorized to be collected upon the said Roads, which still remain due, together with a large Arrear of Interest, and which cannot be paid off, nor can the said Roads be kept in Repair, unless the Term of the said Act be continued, the Powers and Provisions thereof altered and enlarged, and the Tolls thereby granted increased: And whereas the extending, making, and maintaining the several Roads herein-after particularly mentioned and set forth, 34 G. 3. c. 120.

forth, will be of great Benefit and Advantage to the Proprietors and Occupiers of Eſtates in the Neighbourhood thereof, and of public Utility: 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 Act, paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, and all and every the Powers, Authorities, Privileges, Proviſions, Clauſes, Matters, and Things therein contained, (except ſuch Parts thereof as are by this Act repealed, varied, or altered), ſhall be and remain in full Force and Effect, and, together with this preſent Act, ſhall be put in Execution for the ſeveral Purpoſes thereby and hereby intended, as well in reſpect of the ſeveral Roads in the ſaid recited Act mentioned, as of the ſeveral new Roads by this Act authorized and empowered to be made, continued, and maintained for and during the Term herein-after mentioned, as fully and effectually in all Reſpects, and to all Intents and Purpoſes, as if the ſame were expreſsly repeated and re-enacted in the Body of this preſent 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 Monies now due and owing upon the Credit or on Account of the ſaid Roads, or which ſhall or may hereafter be borrowed and become due on the Credit or on Account of the ſame, by virtue of the ſaid recited Act and of this Act, and all Intereſt due and to become due for the ſame reſpectively.

Act continued.

New Truſtees.

II. And be it further enacted, That *Henry Stokes* of *Clifton*, *Theophilus Levett* of *Wichnor*, the Reverend *Thomas Levett* Clerk of *Lichfield*, *William Phillips Inge* of *Thorpe*, and the Reverend *John Watkins* Clerk of *Clifton*, ſhall be, and they are hereby added to, and joined with the Truſtees appointed or elected by or in purſuance of the ſaid recited Act.

Additional Truſtees may be choſen.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe, to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act.

Truſtees may ſue and be ſued in the Name of their Clerks or Clerk for the Time being.

IV. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in the Names of their Clerks or Clerk, for the Time being; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, by virtue or on account of the ſaid recited Act or of this Act, in the Name of their Clerks or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerks or Clerk or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerks or Clerk for the Time being ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that all and every ſuch Clerks or Clerk in whoſe Names or Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Act, or of this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of the ſaid recited Act or of this Act, all ſuch Coſts, Charges, and Expences, for or by reaſon or Means of any ſuch Proceedings, he or they ſhall bear, pay, expend, or be put unto, or

become chargeable with, by reaſon of him or them being ſo made a Plaintiff or Defendant as aforeſaid.

Truſtees empowered to make new Roads.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and empowered, to make and maintain and continue the Road in the ſaid recited Act mentioned, leading from *Brambury Lane Road* to *Lower* or *Short Heath*, or *Overſeal Lane*, from the ſaid *Lower* or *Short Heath* or *Overſeal Lane* aforeſaid, to the *Burton* and *Boſworth* Turnpike Road running through *Overſeal* aforeſaid, and to repair and maintain the ſeveral Roads following; (that is to ſay), the Road commencing from the *Hartſhorne* Turnpike Road at or near the Place where the ſaid *Short Heath* Road runs into the ſaid *Hartſhorne* Road to the Turnpike Road leading from *Burton-upon-Trent* to *Aſhby-de-la-Zouch*, and alſo the Road from the ſaid *Hartſhorne* Turnpike Road, from at or near a Houſe known by the Sign of the *Bull's Head* in *Hartſhorne* aforeſaid, to the Turnpike Road leading from *Burton-upon-Trent* to *Aſhby-de-la-Zouch*, at or near the Turnpike Gate called the *Smiſby Lane Gate*, erected and ſtanding on the ſaid Turnpike Road: Provided always, that nothing herein, or in the ſaid Acts contained, ſhall authorize the ſaid Truſtees to purchaſe or take any Lands or Tenements for widening or altering the Courſe of the ſaid new Roads.

Plan and Book of Reference.

VI. And whereas Maps or Plans deſcribing the Lines of the ſaid new Roads, and the Lands through which the ſame are to be carried, together with a Book of Reference, containing Liſts of the Names of the Owners, or reputed Owners or Occupiers of ſuch Lands, have been depoſited at the Office of the Clerks of the Peace for the Counties of *Leiceſter* and *Derby*, be it therefore enacted, That the ſaid Maps or Plans, and Book of Reference, ſhall remain in the Cuſtody of the Clerks of the Peace for the ſaid Counties, to the End that all Perſons may at any reaſonable 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 Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Eight-pence for every One hundred Words of ſuch Copies or Extracts of the ſaid Maps or Plans, and Book of Reference; and that the ſaid Truſtees, in making or repairing the ſaid Roads, ſhall not deviate from the Line deſcribed in the ſaid Maps or Plans, without the Conſent in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Not to pull down Houſes, &c.

VII. Provided always, and be it further enacted, That nothing in the ſaid recited Act, or in this Act contained, ſhall extend to authorize the ſaid Truſtees to take any Houſe, Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to any 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 Owners thereof.

Miſnomers or wrong Deſcriptions not to prevent the Execution of this Act.

VIII. Provided always, and be it further enacted, That if any of the Lands or Grounds laid down or deſcribed in the ſaid Maps or Plans, or any of the Perſons in whoſe Poſſeſſion or Occupation the ſame or any Part thereof, are or is ſtated or deſcribed to be, ſhall happen to be miſnamed or inaccurately deſcribed, ſuch Miſnomer or inaccurate Deſcription ſhall not prevent

prevent or retard the Execution of this Act, but the ſeveral Premiſes, and every Part thereof, ſhall and may be purchaſed and ſold, or aſſeſſed and valued by a Jury, and conveyed, diſpoſed of, and applied for and to the Purpoſes of this Act, in the Manner directed by the ſaid recited Act, as fully and effectually as if the ſame were more properly named; provided it ſhall appear to any One or more Juſtices of the Peace for either of the ſaid Counties, within their reſpective Juriſdictions, and be certified in Writing under his or their Hands, that ſuch Miſnomer or inaccurate Deſcription proceeded from Miſtake.

Turnpikes and Toll Houſes may be erected.

IX. And be it further enacted, That the ſaid Truſtees ſhall and may, from Time to Time, cauſe to be erected ſuch Turnpikes upon or acroſs the ſeveral Roads in the ſaid recited Act, and in this Act mentioned, and alſo upon the Branch of Road leading from the *Brambury Lane* Road to the *Lower* or *Short Heath*, or *Overſeal Lane*, in the ſaid recited Act mentioned, and on the Sides thereof, acroſs any Lanes or Ways leading into the ſaid Roads, any or either of them, as the ſaid Truſtees ſhall think proper; and alſo a Toll Houſe adjoining or near to every ſuch Turnpike, and may, if they think proper, cauſe a convenient Piece of Ground, not exceeding One Quarter of an Acre, for a Garden, to be ſet out to every ſuch Toll Houſe, and ſhall and may, from Time to Time, alter, pull down, and remove every ſuch Turnpike and Toll Houſe as they the ſaid Truſtees ſhall judge proper.

Turnpikes and Toll Houſes veſted in the Truſtees.

X. And be it further enacted, That the Right and Property of all Turnpikes and Toll Houſes, erected or to be erected by virtue of the ſaid recited Act and this Act, and alſo ſuch Weighing Machines (if any) which ſhall be erected or provided by virtue of this Act, and of the Materials for building the ſame, and alſo of all Materials which ſhall be gotten or collected for the making or repairing the ſaid Roads, ſhall be and are hereby veſted in the ſaid Truſtees.

Preſent Tolls repealed and others granted.

XI. And whereas the Tolls granted by the ſaid recited Act have been found inſufficient for the Purpoſes therein mentioned; be it therefore enacted, That from and after the Firſt Day of *June* One thouſand eight hundred and fifteen, all and every the Tolls granted by the ſaid Act ſhall be and they are hereby repealed and taken away, and that, inſtead thereof, the following Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll-gate, Side-bar or Side-gate, erected, or to be erected by virtue of the ſaid recited Act or this Act, upon or acroſs the ſaid Roads, or upon or acroſs any Lane or Way leading into the ſame, (except as herein-after is excepted) that is to ſay:

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Tenpence *per* Score, and ſo in Proportion for any greater or leſs Number; and for every Drove of Calves, Swine, Sheep, or Lambs, paſſing through any Turnpike erected, or to be erected, as aforeſaid, Five-pence *per* Score, and

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so in Proportion for any greater or less Number; and that on every *Sunday*, during the Continuance of this Act, there shall be demanded and taken Double the Tolls hereby granted.

Tolls vested in the Trustees.

Which said several and respective Tolls or Duties shall be, and the same are hereby declared to be vested in the said Trustees, and that it shall and may be lawful for the said Trustees, or any Five or more of them, at a Meeting to be called for that Purpose, from Time to Time, to direct and cause the said Tolls to be paid and collected at the Gates erected, or to be erected, across or on the Sides of the said Roads, in such Parts and Proportions as they shall think proper, and they the said Trustees, or such Person or Persons as they shall authorize and empower for that Purpose, shall have such and the same Powers, Authorities, and Remedies, for apportioning, collecting, demanding, recovering, levying, assigning, transferring, leasing, reducing, and compounding for the Tolls and Duties hereby granted and made payable as are in and by the said recited Act given and expressed with respect of the Tolls thereby granted or made payable; and that the said Tolls and Duties hereby granted and made payable, shall be paid, applied, and disposed of, to and for such Uses, Intents, and Purposes, as are in the said recited Act and this Act directed and appointed in that Behalf.

One Toll only to be paid.

XII. And be it further enacted, That no more than One full Toll shall be paid in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through any Toll-gate continued or erected by virtue of the said Act or this Act, but that all and every Person and Persons having paid Toll once at any Gate or Turnpike erected or to be erected upon any Part of the said Roads, and producing a Note or Ticket denoting such Payment, and also naming or specifying the Gates freed thereby, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*, on the Receipt of the Toll) shall afterwards be permitted to pass and repass through the same Toll-gate, and all other Toll-gates to be continued or erected by virtue of the said Act or this Act, with the same Horses, Cattle, Beasts, and Carriages, Toll free, any Time or Times during the same Day.

Exemptions from Tolls.

XIII. Provided always, and be it further enacted, That from and after the passing of this Act, the Exemptions granted by the said recited Act, shall be repealed, and that no Toll shall be demanded or taken by virtue of this Act, or of the said recited Act, for any Horse, Cattle, or Beast, employed in carrying or conveying any Gravel, Stone, or other Materials for repairing any of the said Roads by the said recited Act, or by this Act directed to be repaired, or any of the Roads in the several Townships in which such Roads do 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 Ploughs, Harrows, or Implements of Husbandry, or Mould or Dung, Compost, or Manure employed in Husbandry for manuring or improving of Lands (Lime only excepted), which shall be carried from one Part of a Man's Lands or Premises to other Parts of his Lands and Premises; or for or in respect of any Horses or other Cattle or Sheep going to or returning from Pasture or Watering Places; or any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General; or for

or in respect of any Carriage, Horse, or other Beast, carrying any of the Inhabitants of the said Parishes, to or from any Church, Chapel, or other Place of Religious Worship licensed by Law, to which they usually resort on *Sundays*, or any other Day on which Divine Service is or shall be ordered, by Authority, to be celebrated, or attending the Funeral of any Person who shall die and be buried within any of the said Parishes, or carrying any Clergyman or licensed Minister going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; or for any Horses belonging to Officers or Soldiers upon their March, or upon Duty, or for any Carriages, Horses, or other Beasts or Cattle employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for any Carriage or Horse carrying Vagrants sent by legal Passes, or carrying any Person to or from any Election of a Member to serve in Parliament, for the Counties of *Derby* and *Leicester*, or either of them, during the Time of such Election, or on the Day before or Day after such Election shall begin, or be concluded; and if any Person shall claim and take the Benefit of any Exemption in this Act contained, not being entitled to the same, every such Person shall, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said Act and this Act.

Carriages employed in His Majesty's Service not to be subject to Toll.

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

Further Exemptions.

XV. Provided always, and be it further enacted, That there shall not be demanded under and by virtue of this Act, for any Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or other Beast, drawing any Waggon, Wain, Cart, or other Carriage passing through any Turnpike to be erected upon or across, or on or near the Side of that Part of the Roads in this Act mentioned,

mentioned, leading from *Overseal* aforesaid to the Coal Pits and Lime Kilns of the Right Honourable the Earl of *Moira*, situate on *Ashby Woulds*, in the said County of *Leicester*, a greater Sum than Two-pence; nor for passing through any Turnpike to be erected upon or across, or on or near the Side of that Part of the said Road leading from the *Burton* and *Bosworth* Turnpike Road at *Cadley Hill* to the Colliery called the *Swadlincote* Colliery, a greater Sum than Four-pence; nor for any Waggon loaded with Lime, to be carried to a certain Farm called *Grey Sick Hill* Farm, in the Parish of *Bretby*, and passing along any of the Roads in the said recited Act or in this Act mentioned, a greater Sum than Nine-pence for every such Waggon, without regard to the Number of Horses drawing the same.

Disputes concerning the Tolls to be settled by a Justice.

XVI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Tolls due, and of the Charges of the Distress and Sale of keeping the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Toll Collectors to put up their Names.

XVII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll-gate, to be continued or erected by virtue of this Act shall, and he is hereby required to place his Christian and Surname, painted on a Board, in legible Characters, in the Front, or on some other conspicuous Part of the Toll-house or Toll-gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit, or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every

such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Repealing certain Restrictions of Toll.

XVIII. And whereas it is by the said recited Act enacted, that it should not be lawful for the Trustees, or any other Person or Persons, to set up any Turnpike or Toll House, or any Crane, Machine, or Engine for weighing of Carriages, within any Part of the said Parish of *Ticknall*, other than and except at the said Place called *Scaddow-gate*, or between that Place in a direct Line to *Hartshorne* aforesaid, where the old Road had theretofore gone; and in the said recited Act is contained a Proviso, that when any Reduction or Alteration shall be made in the Tolls payable for or in respect of any Horses or other Beasts drawing any Carriage, such Reduction or Alteration should be made proportionably upon all the said Roads, so that the Tolls which for the Time being should be payable by virtue of the said Act, at the respective Turnpikes to be erected upon or across, or at or near the Sides of the said Road, from *Scaddow-gate* to the *Burton-upon-Trent* and *Ashby-de-la-Zouch* Turnpike Road, should be Double the Toll which should at the same Time be payable for the like Horses or other Beasts at the respective Turnpikes, to be erected upon or across, or at or near the Sides of the other Roads comprized in the said recited Act: And whereas it has been deemed expedient that such Restriction and Proviso shall be removed and repealed; be it therefore enacted, That the same shall be and are, and each of them is, hereby repealed.

Application of Compensation Money amounting to 200*l.*

XIX. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Act or this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same 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 *ex parte* the Trustees for executing the said recited Act and this Act, to the Intent that such Money shall be paid 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 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 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

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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 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 to be purchased by virtue of the said recited Act or this Act, in case such Purchase or Settlement were made.

Where less than 200l. and exceeding 20l.

XX. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, 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 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 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 the said recited Act, 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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain, the Direction or Approbation of the said Court of Chancery.

Where less than 20l.

XXI. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-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 Act, or this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for

where Parties cannot be found, &c.

for any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or 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 reſpective 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 awarded or aſſeſſed 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 reſpective Truſtees or any Five or more of them, to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of 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, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or 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 diſputed Titles.

XXIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons 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 the ſaid recited Act or 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 thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to be lawfully entitled to ſuch Lands, Tenements, and 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.

XXIV. Pro

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

XXIV. 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 the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court 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 Act and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Act and this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order to be paid by the said Trustees (out of the Monies to be received by virtue of the said Act and this Act), who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Repealing Provision respecting Materials.

XXV. And whereas it is by the said Act enacted, that it should be lawful for the Surveyor of the said Road to dig, take, and carry away Materials for repairing the said Road from any Common or Waste Grounds, Rivers, or Brooks, without making any Recompence for the same, and to dig, take, and carry away any Materials for such Purpose, out of or from the Lands of any Person or Persons, making Satisfaction for the same, and for the Damages thereby occasioned in such Manner as is thereby directed: And whereas it is expedient that the said Provision should be repealed, and other Powers given in lieu thereof, be it therefore enacted, That the said Provision shall be, and the same is hereby repealed.

Power to get Materials.

XXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away, any Materials for making and repairing the said Roads out of any Common, River or Brook, or out of or from any Waste or Common in or near or convenient to which any Part of the said Road lies, without paying any Thing for such Materials, the said Surveyor or Surveyors, or other Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials (such Damages to be ascertained as herein-after mentioned) and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint to search for, dig, gather, take, and carry away, any such Materials, in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in

Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive on all Parties.

Notice to be given to Owners of Land before Materials got.

XXVII. Provided nevertheless, and be it further enacted, That no Surveyor or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Land, until Notice in Writing, signed by the said Surveyor, shall have been given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner's or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place wherein such Land shall lie, to shew Cause why such Materials should not be had therefrom, and in case any such Owner, Agent, or Occupier shall attend pursuant to such Notice, such Two Justices shall if they shall think proper, authorize such Surveyor or other Person to dig, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may make such Orders therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended, and the Order of such Justices respectively shall be final and conclusive to and upon all Parties.

Statute Work.

XXVIII. And be it further enacted, That so much of the said recited Act as relates to 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 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 Counties of *Derby* and *Leicester*, within their respective Jurisdictions, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by their respective Treasurer, Clerk or Surveyor) 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, Hamlets 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, Hamlet, 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 to 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, Hamlet, or Place, within their respective Jurisdictions, 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, Hamlet, 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

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 Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch 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 or Treaſurers, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed to be recovered; and each and every Perſon who ſhall refuſe or neglect to do 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, 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 and effect for the Repair of the Public 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, Hamlets 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 Five Pounds.

Expences of the Act.

XXIX. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing this Act, ſhall be paid and diſcharged by the ſaid Truſtees out of any Money already collected or received, or out of the firſt Monies which ſhall hereafter ariſe by virtue of the ſaid recited Act or this Act.

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.

Continuance of Act.

XXXI. And be it further enacted, That the said recited Act, (subject to the Alterations and Amendments herein contained) and this present Act, 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 Act, 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.

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