ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 7.

An Act for enlarging the Term and Powers of Two Acts of His late and present Majesty, for repairing several Roads in the Counties of *Derby*, *Leicester*, and *Warwick*. [13th *March* 1809.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for amending, widening, and keeping in Repair several Roads therein mentioned, lying in the Counties of* Derby, Leicester, *and* Warwick: 33 G. 2. c. 47.
And whereas another Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of an Act, made in the Thirty-third Year of His late Majesty, for amending, widening, and keeping in Repair several Roads therein mentioned, lying in the Counties of* Derby, Leicester, *and* Warwick; *and for amending and keeping in Repair the Road branching from Part of the said Roads between* Measham, *in the said County of* Derby, *and* Burton-upon-Trent, *in the County of* Stafford, *to the Turnpike Road at or near the* Bull's Head *Alehouse in* Twycross, *in the said County of* Leicester: 21 G. 3. c. 92.
And whereas great Progress hath been made by the Trustees appointed in or by virtue of the said recited Acts, for the Care and Management of the said several Roads in repairing and widening the same, or such Parts thereof whereon Tollhouses and Gates have been erected, and several Sums of Money are now due and owing on the Credit of the Tolls thereby granted,

which cannot be repaid, nor the ſaid ſeveral Roads effectually widened, amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts is further continued, and the Powers and Proviſions thereof in ſome reſpects amended and enlarged: 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, Penalties, Forfeitures, Matters and Things therein contained (except ſuch Parts thereof as relate to Exemptions from Stamp Duties, and alſo ſuch as are hereby varied, altered or repealed) ſhall be and remain in full Force and Effect, and ſhall be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Alterations and Amendments herein contained; and that this Act ſhall commence and take effect upon the paſſing thereof, and the Term and Powers hereby granted ſhall be and are hereby declared to be ſubject, and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Acts, and of ſuch other Sums of Money as ſhall or may hereafter be borrowed upon the Credit thereof and of this Act, and of all Intereſt due and to grow due thereon reſpectively.

Continuance of ſaid Acts.

Additional Truſtees.

II. And be it further enacted, That *John Adamthwaite*, Doctor in Divinity, *Charles Bowyer Adderley*, *Thomas Adnutt*, Clerk, *Edward Alkin*, *Gerrard Andrewes*, Doctor in Divinity, *Richard Arkwright*, *John Dugdale Aſtley*, *Richard Aſtley* the Younger, The Honourable *Thomas Bowes*, *Richard Bamford*, *Thomas Bamford*, *John Bamford*, *William Barrs*, *Gilbert Beresford*, Clerk, *Thomas Berry* the Younger, *George Beeby*, *Francis Blick*, Clerk, *Joſeph Bond*, *Joſeph Boultbee*, *Thomas Boultbee*, *John Bourne*, *Edward Bourne*, Doctor of Medicine, *Fletcher Bullivant*, *John Capenhurſt*, *Thomas Chapman*, *Samuel Chapman*, *James Chartres*, Clerk, Sir *George Chetwynd*, Baronet, *George Chetwynd*, *William Chetwynd*, *Thomas Clare*, *Thomas Clare* the Younger, *William Crawford*, *Edward Croxall* the Younger, *Richard William Penn Curzon*, *Arthur Dabbs*, *Thomas Deſter* the Younger, *William Deſter*, *William Dickinſon*, *Charles Dilke*, *John Dilke*, Clerk, Sir *Beaumont Dixie*, Baronet, *John Drummond*, *William Stratford Dugdale*, *Jerome Dyke*, Clerk, *William Eborall* the Younger, *Thomas Elton*, *Joſeph Elton*, *Gervaſe Elton*, *Thomas Eagleſtone* the Younger, The Honourable *Charles Finch*, *John Farrin* the Younger, *Robert Faux* the Younger, *Luke Faux*, *Thomas Cotton Fell*, Clerk, *Walter William Fell*, *John Farnell*, *William Fernyhough*, *Thomas Fiſher*, Clerk, *Thomas Fiſher* the Younger, *John Fiſher*, Clerk, *Thomas Freer* of Stretton, *Samuel Freer*, *John Dickinſon Fowler*, *Robert Foſter*, *John Geary* the Younger, *Joſeph Grew*, *Samuel Grew*, *William Griffin*, *Thomas Goodman*, *James Goodman*, Sir *Edmund Cradock Hartopp*, Baronet, *Charles Harding*, *Samuel Tuffley Harding*, *Samuel Bracebridge Heming*, Clerk, *George Heming*, *Dempſter Heming*, *Samuel Robert Highmoor* Clerk, *John Hill*, *Charles Hill*, *John Hincks*, *Thomas Holden*, *Thomas Holmes*, *William Homer*, Clerk, *Richard Homer*, *Hugh Hughes*, Clerk, *Thomas Hughes*, *Joſeph Hutchins*, Clerk, *Abraham Hoſkins*, *William Phillips Inge*, *John Ironmonger*, *Joſeph Jarvis*, *Joſeph Jarvis* the Younger, *Richard Jee* the Younger, *Iſaac Jee*, *Charles Jee*, *Charles Jervis*, *John Jewſbury*, *Richard*

Richard Jewſbury, *Thomas Jones*, Clerk, *Joſeph Jones*, *Joſeph Lathbury*, *John Newdigate Ludford*, Doctor of Laws, *William Southworth Lee*, Clerk, *William Leigh*, Clerk, *John Lynes* the Younger, *William Lythall* the Younger, *Edward Mammatt*, *George Mettam*, Clerk, *Joſeph Miles*, *Thomas Moore*, *John Moore*, *Charles Moore*, *Pendock Barry Neale*, *Thomas Neale*, Clerk, *John Neale*, Clerk, *William Neal*, *Robert Nevill*, *William Nadin*, *Humphry Nadin*, *William Newbold*, *Francis Newdigate*, *Francis Newdigate* the Younger, *Thomas Noel*, Clerk, *Haughton Farmer Okeover*, *Thomas Weſtley Oldham*, *William Oldacres*, *John Owen*, *Sir Robert Peel*, Baronet, *John Peel*, *John Peel* the Younger, *Thomas Bradley Paget*, Clerk, *John Warren Paget*, *William Paul*, *Samuel Steele Perkins*, *Richard Steele Perkins*, *Joſeph Phillimore*, Clerk, *John Power*, *John Power* the Younger, *Joſeph Pratt*, *John Roby*, Clerk, *Samuel Rathbone*, *George Sale*, *Ambroſe Joſeph Saliſbury*, *John Singleton*, Clerk, *Richard Spencer*, *Francis Spencer*, *John Simmonds*, *John Smith*, of Doniſthorpe, *Richard Smith*, *Thomas Tylecote*, *Samuel Tylecote*, *Charles Severn Watkins*, *Charles Weaver*, *Henry Whitby*, *Edward Whitby*, *Thomas Montgomery Willday*, *Joſeph Willday*, *Robert Willoughby*, *Frederick William Wollaſton*, *Samuel Pipe Wolferſtan*, *John Wilſon* the Younger, *John Weetman*, *Joſeph Wilſon*, of Burton, *Thomas Wright*, Clerk, *Thomas Worthington*, *Thomas Whittingham*, and *Joſeph Wilſon*, of Winſhill (being qualified according to the Directions of the ſaid Firſt recited Act), ſhall be and are hereby added to, and joined with the ſurviving and remaining Truſtees appointed by or in purſuance of the ſaid recited Acts, for putting the ſaid recited Acts and this Act into Execution, and ſhall have the like Powers for that Purpoſe as if they had been named and appointed Truſtees in or by virtue of the ſaid recited Acts or either of them.

Validating Acts of unqualified Truſtees before Conviction.

III. Provided nevertheleſs, That all Acts and Proceedings of any Perſon or Perſons who have acted as a Truſtee or Truſtees in the Execution of the ſaid recited Acts, or who ſhall act as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified previous to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction be as good, valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of the ſaid firſt recited Act.

Meetings on Emergencies.

IV. And be it further enacted, That in caſe after any Adjournment of the ſaid Truſtees (Two Truſtees being hereby declared to be ſufficient for the Purpoſe of Adjournment only) it ſhall be upon any Emergency thought neceſſary that the ſaid Truſtees ſhould meet at an earlier Time than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by any Five or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting or Meetings, ſhall forthwith give Notice in Writing of ſuch Meeting or Meetings, to be affixed on all the Tollgates erected or to be erected upon ſuch Part of the ſaid Roads, upon or for which the Perſon or Perſons giving ſuch Notice ſhall be Clerk or Clerks as aforeſaid, and of the Time and Place which ſhall be mentioned in ſuch Order (ſuch Time not being leſs than Seven Days after ſuch Notice), and ſuch earlier Meeting or Meetings ſhall and may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meeting or Meetings as aforeſaid, ſhall be as valid and effectual as they would have been in caſe ſuch Meeting or Meetings had been holden in purſuance of Adjournment.

V. And

Truſtees enabled to let to farm the Tolls payable for over-weight.

V. And whereas under or by virtue of an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, the Truſtees for the Care of particular Turnpike Roads (to whom no Powers were by the particular Acts expreſsly given for that Purpoſe) are enabled and authorized to let or farm out the Tolls ariſing upon ſuch Roads, having due Regard to the ſeveral Directions contained in the ſame Act for letting or farming out ſuch Tolls, but no Power or Authority is thereby given or delegated to ſuch Truſtees, ſo as to enable them to let or farm out the ſeveral Tolls or Duties granted and made payable by virtue of another Act, paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for explaining and altering an Act, made in the Thirteenth Year of His preſent Majeſty, intituled, 'An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes, ſo far as the ſame relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horſes to be uſed in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with reſpect to Weight and Payment of Toll in particular Caſes;'* be it therefore enacted, That it ſhall and may be lawful for the ſaid Truſtees or any Seven or more of them, at any Meeting to be held in purſuance of the Power contained in the ſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty (having firſt obſerved in all reſpects the Directions contained in the ſaid laſt mentioned Act, and having given or cauſed to be given the Notice thereby required) to let to farm either with or without the Tolls by the ſaid recited Acts or this Act authorized to be taken, the addditional Tolls or Duties granted and made payable by virtue of the ſaid Act, paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, for every One hundred Weight (the ſame to conſiſt of One hundred and Twelve Pounds) which any Waggon, Cart or Carriage, together with the Loading thereof, ſhall weigh at any of the Weighing Engines now or hereafter to be erected on the ſeveral Roads, over and above the Weight allowed by Law; provided, that the ſaid additional Tolls for ſuch over-weight as aforeſaid, be let in the ſame Manner, and ſubject to the like Notice and Directions as the Tolls ariſing at the ſeveral Tollhouſes or Tollgates already or hereafter to be erected on the ſaid Roads or on the Sides thereof, are by the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty directed or preſcribed to be let.

Truſtees enabled to take Poſſeſſion of Toll Houſes, when let to Farm.

VI. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Tollgates erected or to be erected on the ſaid Roads, or on the Sides of the ſame, ſhall at any Time or Times, during the Continuance of this Act, be demiſed or let to Farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Ten Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for letting the ſame; or in caſe the Leſſee or Leſſees, Farmer or Farmers thereof, or his, her or their Servant or Servants ſhall miſbehave himſelf or themſelves during the Continuance of ſuch Demiſe or Contract, then and in either of thoſe Caſes the ſaid Truſtees

tees or any Five or more of them, or their Clerk or Treasurer, Clerks or Treasurers for the Time being, or other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter into and upon the Possession of the Tollhouse or Tollhouses, with the Buildings, Gates, and Appurtenances thereto belonging, so demised or let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save only, as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved,) as if such Demise or Agreement had never been made or entered into; and it shall and may be lawful for the said Trustees, or any Seven or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into, relative thereto.

Trustees may compound for Tolls.

VII. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, to compound and agree by the Year or otherwise, with any Person or Persons accustomed to travel or about to be accustomed to travel through the Turnpike or Turnpikes erected on the said several Roads, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriages, Horse, Gelding, Mare, Ass or Mule, for any Sum or Sums of Money which the said Trustees or any Five or more of them shall think fit, for and in lieu of Payment of any of the said Tolls, which Composition shall be instantly paid to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint.

Trustees may sue and be sued in their own Names, or in the Names of their Clerks or Treasurers.

VIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Matter or Thing to be done under or by virtue of the said recited Acts and this Act, either in the Names of such of the Trustees who may happen to be Parties to any Deed or Instrument in Writing, or to any Transaction upon which any Action or Suit shall or may be brought or commenced, or in the Name of their Clerk or Clerks, or Treasurer or Treasurers for the Time being, and that no Action or Suit to be brought or commenced, by the Direction of or against the said Trustees, in their own Names or in the Name of their Clerk or Clerks, or Treasurer or Treasurers, shall abate or be discontinued by reason of the Death, Incapacity or Removal of any Trustee or Trustees, or Clerk or Clerks, or Treasurer or Treasurers, or by the Act of such Clerk or Clerks, or Treasurer or Treasurers, without the Consent of the said Trustees or any Five or more of them; but that the Clerk or Clerks, or Treasurer or Treasurers for the time being to the said Trustees, in case such Action shall be brought or commenced by or against, or defended in the Name of such Clerk or Clerks, or Treasurer or Treasurers, shall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants (as the Case may happen to be) in every such Action.

The Truſtees, their Clerks, or Treaſurers, to be reimburſed their Expences.

IX. Provided always, That ſuch Truſtees, or Clerk or Clerks, or Treaſurer or Treaſurers for the Time being, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted or defended in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed and paid, out of the Monies to ariſe or be collected by virtue of the ſaid Acts and this Act, all ſuch Coſts, Charges, Damages and Expences, as they or he ſhall eventually or in conſequence of any ſuch Action or Suit pay, bear, ſuſtain, expend or be put unto, or become liable unto or chargeable with, by reaſon or on account of their or his being ſo made Plaintiffs or Defendants, Plaintiff or Defendant, as aforeſaid.

Farmers of the Tolls or Collectors declared not to be incompetent to give Evidence.

X. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall happen to ariſe touching or in anywiſe relating to the Tolls to be collected on the ſaid ſeveral Roads, or the Recovery of ſuch Tolls, the Perſon or Perſons who ſhall or may happen to be the Farmer or Farmers, or Renter or Renters of the ſaid Tolls, or his, her or their Servant or Servants for the Time being, who ſhall or may be appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees in the Collection of the ſaid Tolls, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation, relative to the Collection or Recovery of ſuch Tolls, whether the Payment of ſuch Tolls ſhall or may happen to be enforced by Diſtreſs and Sale, or by way of Information and Conviction, or by any other Ways and Means, on account of their, his or her being Farmers or Renters, Farmer or Renter of the ſaid Tolls, or being appointed to collect the ſame, or acting under the Authority of the ſaid Truſtees as aforeſaid.

Exemptions from Toll.

XI. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggon, Wain, Cart, Carriage or Horſes employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel or other Materials for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads lie; or Hay, Clover, Turnips, Straw or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners or Occupiers thereof; or for any Corn, Grain or Griſt carrying to or from any Corn Mill being in any of the Hamlets, Townſhips or Places through which the ſaid Roads or any Part thereof ſhall lead; or for any Horſes, Cattle or Carriage returning unloaden after having carried any ſuch Corn, Grain or Griſt, ſuch Corn, Grain or Griſt being for private Uſe only and not for Sale; or for any Waggon, Wain, Cart, Carriage or Horſes employed in conveying or carrying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow or Implement of Huſbandry, or any Mould, Dung, Compoſt or Manure employed in Huſbandry for manuring or improving Land (Lime only excepted); or for any other Thing employed in the Management of any Farm or Lands in any of the Townſhips or Pariſhes through which the ſaid Roads paſs; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed or farried; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel or other Place of Worſhip tolerated by Law, on a Sunday, or on any

any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die and be buried in any of the Pariſhes through which the ſaid Roads paſs; or from any Clergyman going to or returning from viſiting any ſick Perſon; or upon other his Parochial or Miniſterial Duty on a Sunday, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Cattle or Carriage, of whatever Deſcription, employed or to be employed in conveying the Mail of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in conveying, fetching or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes, Carts or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts or Waggons employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſe, Cattle or Beaſt drawing any Coach, Landau, Berlin, Chariot, Calaſh or Chair; or Paſſenger on Horſeback going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Derby*, *Leiceſter*, *Warwick* or *Stafford*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or for any Horſe, Mare or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemptions as aforeſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid recited Acts and this Act.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences relating to Statute Work.

XII. 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 and amending the ſaid Roads hereby directed to be made, widened and repaired, or any Part or Parts of the ſame, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace acting for the ſaid Counties of *Derby*, *Leiceſter*, or *Warwick*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Clerks, or Surveyor or Surveyors, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them, paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh

or Place, to bring in a Liſt or 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 Liſt or 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 and effect for the Repairs of the Public Highways, and ſhall be verified upon the Oath of ſuch Surveyor or Surveyors of the Highways, if ſo required by the ſaid Truſtees, or by their Clerk or Clerks, or Surveyor or Surveyors, which Oath the ſaid Juſtices are hereby empowered to adminiſter without Fee or Reward; and out of ſuch Liſt or 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 Seed Time, Hay Time, or Harveſt) and in ſuch Parts of the reſpective Pariſhes or Places from whence ſuch Statute Duty ſhall be required, 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 Liſt or 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 they the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts or this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor or Surveyors 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, or any of them, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off 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 as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part or Parts of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer or Treaſurers for the Time being to the ſaid Truſtees, and applied towards the amending the ſaid Roads; and in caſe

the

the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall neglect or refuſe to appear before ſuch Juſtices, after his, her, or their having been ſerved with ſuch Summons as aforeſaid, or ſhall refuſe or willfully neglect to give in ſuch Liſt or Liſts as aforeſaid, or ſhall knowingly or wilfully give in a falſe or imperfect Liſt, or falſe or imperfect Liſts, or ſhall neglect or refuſe to verify ſuch Liſt or Liſts upon Oath, when thereunto required as aforeſaid, or ſhall not to the utmoſt of his, her or their Power aſſiſt in convicting any Inhabitant of or Occupier of Lands, Tenements or Hereditaments in his, her, or their reſpective Pariſhes, Townſhips, or Places, who ſhall make Default in Performance of his, her, or their Statute Duty on the ſaid Roads, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence, Neglect or Refuſal, forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by 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 or Treaſurers to the ſaid Truſtees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Places ſhall not be permitted to compound for that Year.

Penalty on taking away Materials raiſed by Surveyors.

XIV. And be it further enacted, That if any Perſon or Perſons 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, either upon the Waſte or in any incloſed Lands, 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 Truſtees, or his or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe only and not for Sale), ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on taking away Materials, &c. from the Roads.

XV. And be it further enacted, That in caſe any Perſon or Perſons ſhall at any Time after the paſſing of this Act, ſteal, take, carry away, or otherwiſe remove, or cauſe or procure to be ſtolen, taken, carried away, or otherwiſe removed, from and off the Surface of the ſaid Roads, or any Part or Parts of the ſame, or from and off the Sides thereof, any Gravel, Stone, Sand or other Materials whatſoever, uſed or to be uſed

in or upon or for the Repairs of the ſaid Roads; or ſhall dig, take or carry away any Soil or Turf from and off the Sides of the ſaid Roads, within the Diſtance or Space of Thirty Feet from the Middle or Centre of the ſaid Roads; or ſhall bring, lay, or ſpread any Straw, Litter, Dung, Compoſt, Manure, or any other Subſtance of any other Deſcription or Kind whatever, upon the ſaid Roads, or any Part or Parts of the ſame, or upon the Sides thereof; or in caſe any Perſon or Perſons (ſave only the Surveyor or Surveyors to the ſaid Truſtees, or the Labourers or Workmen employed by the ſaid Truſtees, or their Surveyor or Surveyors for the Time being) ſhall ſweep or ſcrape the ſaid ſeveral Roads, or any Part or Parts of the ſame or the Sides thereof, whereby the Soil or Materials uſed for repairing the ſaid Roads ſhall be gathered or collected together with a View to carry away the ſame, without the Conſent of the ſaid Truſtees or any Five or more of them, under their Hands in Writing for that Purpoſe firſt had and obtained (the ſweeping and ſcraping of the ſaid Roads or the Sides thereof for the Convenience of Foot Paſſengers only excepted), the Perſon or Perſons offending in all, either or any of the Caſes before mentioned, ſhall, upon his, her, or their Conviction of ſuch Offence or Offences before One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence or Offences ſhall have been committed, forfeit and pay for each and every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyors may make Cauſeways or Footpaths.

Penalty for riding upon the ſame, &c.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Truſtees, from Time to Time during the Continuance of this Act, by Order of the ſaid Truſtees or any Five or more of them, to make and form, or cauſe to be made and formed Cauſeways or Footpaths in or along the Sides of any Part or Parts of the ſaid Roads, for the Convenience and better Accommodation of the Foot Paſſengers paſſing upon or along the ſame; and in caſe any Perſon or Perſons ſhall ride upon any ſuch Cauſeway or Footpath, Cauſeways or Footpaths, already made or hereafter to be made on the Sides of the ſaid Roads for the uſe of Foot Paſſengers as aforeſaid, or ſhall lead or drive any Horſe or Horſes, Cattle, Sheep or Swine, or any Carriage upon or along any ſuch Footpaths or Cauſeways, or ſhall turn any Horſe or Horſes or other Cattle looſe thereupon, or ſhall ſuffer ſuch looſe Horſe or Horſes or other Cattle to remain on ſuch Cauſeways or Footpaths, or ſhall wilfully or negligently injure or damage the ſame; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to ſtop upon the ſaid Roads or any Part of the ſame, or to root up and damage the ſame, or any Part thereof, or the Fences, Hedge, Backings or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left Side of the ſaid Roads; or if any Perſon ſhall in any manner wilfully prevent any other Perſon or Perſons from paſſing him upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his Care; or if any Perſon 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 other Fire-works whatſoever, on any Part or Parts of the ſaid Roads; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart or other Carriage

in

in or upon any Part of the ſaid Roads, or upon the Side or Sides thereof, longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall bring, lay, leave or ſpread any Tree when fallen, or Piece of Timber, or any Bricks, Stone, 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 Annoyance of Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings.

XVII. And whereas under or by virtue of the ſaid firſt recited Act, the Truſtees are empowered to contract with the Owner or Owners of the Lands lying on either Side of the ſaid Roads, for the abſolute Purchaſe of ſuch Lands, for the Purpoſes of extending, enlarging or widening the ſaid Roads, or making any new Road or Roads contiguous or adjacent thereto; provided ſuch Extenſion, Enlargement or widening of the ſaid Roads, or of any Part or Parts thereof, or the making of ſuch new Road or Roads, ſhall be undertaken for the better Accommodation of Carriages and Paſſengers paſſing or uſing the ſaid Roads; but no Power or Authority is thereby given to the ſaid Truſtees to enable them to exchange any Part or Parts of the ſaid Roads with the Owner or Owners of the adjoining Lands, for the Purpoſes before mentioned; For Remedy whereof be it enacted, That from and immediately after the paſſing of this Act, the Powers and Authorities given to the ſaid Truſtees by the ſaid firſt recited Act, for enabling them to purchaſe Lands for the Purpoſes therein mentioned, ſhall be extended to all Caſes where any Exchange or Exchanges of Land ſhall be made by the ſaid Truſtees and the Perſons intereſted; and alſo for enabling the ſaid Truſtees to exchange Lands for any of the Purpoſes of the ſaid recited Acts or this Act. 33 G. 2. recited.

XVIII. And be it further enacted, That in all Caſes where any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt or Property of any Perſon or Perſons in any Lands, Tenements or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Seven or more of them, or their Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaning the Jury and Witneſſes, ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of the Money in his or their Hand or Hands, to ariſe by virtue of the ſaid recited Acts or this Act; but if ſuch Jury ſhall give and deliver in a Verdict or Aſſeſſment for no more or for leſs Money, than ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Seven or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then the full How Expences of Jury ſhall be defrayed.

Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the Hearing and Determination of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace acting for any one or more of the ſaid Counties of *Derby*, *Leiceſter*, or *Warwick*, reſpectively, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by ſuch Ways and Means as are by the ſaid firſt recited Act provided for Recovery of Penalties and Forfeitures: Provided always, That in all Caſes where any Owner or Owners, or Perſon or Perſons intereſted in ſuch Lands, Tenements or Hereditaments, ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, the whole of ſuch Coſts, Charges, and Expences ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees in manner aforeſaid.

Truſtees enabled to ſell or exchange former Roads.

XIX. And be it further enacted, That the Lands conſtituting the ſaid Roads in their former State, or any Part or Parts of the ſame, in lieu whereof ſome new Road or Roads ſhall be made by virtue of this Act (unleſs the ſaid former Roads ſhall lead over ſome Heath, Common, Moor or Waſte Ground, or to ſome Village, Town, Hamlet or Place to which the reſpective new Road doth not or ſhall not lead) ſhall be veſted in, and ſhall and may be ſold and conveyed by the ſaid Truſtees or any Seven or more of them, for the beſt Price that can be gotten for the ſame, or may be exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale, ſhall be applied to the Repair of the ſeveral Roads by this Act and the ſaid recited Acts directed to be repaired; provided that in all Caſes the Preference ſhall be given and offered to the Proprietors of the adjoining Lands, if they or either of them chooſe to treat for the ſame, of which Offer an Affidavit, to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery (who is hereby empowered to adminiſter an Oath for that Purpoſe) by ſome Perſon or Perſons not intereſted in the Premiſes, ſtating that ſuch Offer was made by or on Behalf of the ſaid Truſtees, and was not then and thereupon agreed to or was refuſed, ſhall be ſufficient Evidence in all Courts whatſoever, and in caſe any of ſuch Perſons ſhall be diſſatisfied with the Terms offered by the ſaid Truſtees, the Difference ſhall be adjuſted and determined by two Perſons, one to be appointed by each Party; and in caſe the ſaid Perſons do not agree in ſuch Determination, then ſuch Difference ſhall be aſcertained by a Jury in Manner directed by the ſaid firſt recited Act, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, and the Expence of hearing and determining ſuch

such Difference shall be borne and paid in like Manner as herein before directed touching the Expences of such Juries, and that after such Determinnation it shall be lawful for the said Trustees to sell or exchange the Lands in question to or with any Person or Persons whomsoever; and all Deeds of Exchange or Conveyance executed by the said Trustees or any Seven or more of them, and inrolled with the Clerk of the Peace for the Time being for the said Counties of *Derby*, *Leicester*, or *Warwick* respectively, as the Case may require, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking or pulling down of, nor be construed to enable the said Trustees to take or pull down any Dwelling House or other Building, or to take in any Land being a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees or Avenue to a House, or any Part of the same respectively, without the Consent of the respective Owners or Proprietors thereof.

Act not to extend to taking down any Houses, &c.

XX. And be it further enacted, That if any Money or Recompence shall be agreed, awarded or assessed to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as aforesaid, 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 there *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase 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 the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered

Direction for applying the Money paid as a Compensation for Lands, &c. when amounting to or exceeding 200l.

by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 100l. and not leſs than 20l.

XXI. Provided always, and be it further enacted, That in caſe any Money or Recompence ſo agreed, awarded or aſſeſſed to be paid for any Lands, Tenements or Hereditaments purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, 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 (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 the Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When leſs than 20l.

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

In the event of Titles not being made out Money to be paid into Bank, &c.

XXIII. And be it further enacted, That in caſe the Perſon or Perſons, Body or Bodies Politic or Corporate, to whom any Sum or Sums of Money ſhall be agreed, awarded or aſſeſſed, to be paid for the Purchaſe of any Lands, Tenements or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to ſuch Lands, Tenements and Hereditaments; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed

aſſeſſed to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded or aſſeſſed to be paid as aforeſaid, to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the ſaid 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 Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons, Body or Bodies Politic or Corporate, 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.

Upon any Queſtion of Title to the Money ſo to be paid, Perſons then in Poſſeſſion to be deemed entitled to the Money.

XXIV. And be it further enacted, That when any Queſtion ſhall happen to ariſe touching the Title of any Perſon to any Money to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in poſſeſſion of ſuch Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of ſuch 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 apparent to the ſaid Court that ſuch Poſſeſſion was an illegal Poſſeſſion, and that ſome other Perſon or Perſons was or were legally entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXV. Provided always, and be it further enacted, That in all ſuch Caſes 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 Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and

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 and may be lawful for the ſaid Court to order the Expences attendant upon all Purchaſes from Time to Time to be made in purſuance of 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 or any Seven or more of them, out of the Monies to be received or collected by virtue of the ſaid recited Acts and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees may contract for the Repairs of the Roads.

XXVI. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, from Time to Time, to contract and agree with any Perſon or Perſons for the repairing the ſaid Roads, or any Part or Parts thereof, or for doing any other Work in the execution of the ſaid recited Acts and this Act, in ſuch Manner and for ſuch Sum or Sums of Money annually or otherwiſe, as the ſaid Truſtees ſhall think proper.

For ſecuring tranſient Offenders.

XXVII. And whereas Offences may happen to be committed againſt this Act or the ſaid recited Acts, by perſons unknown to the Truſtees, or to the Collectors, Surveyors or other Officers appointed to put the ſaid recited Acts and this Act into execution; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, their Collectors, Surveyors or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her or them before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed, and ſuch Juſtice is hereby empowered and directed to proceed immediatly to the Hearing and Determination of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at the next Petty Seſſions to be holden within or for the County, Place or Diſtrict in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſions or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively, to commit him, her or them to the Common Gaol or Houſe of Correction of the ſaid County or Place, there to remain for any Time not exceeding Fourteen Days, unleſs he, ſhe or they ſhall ſooner pay the reſpective Penalties by him, her or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attendant upon ſuch Conviction or Commitment.

How Penalties and Forfeitures ſhall be recovered and applied.

XXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed ſhall be recovered, levied, paid and applied in ſuch and the ſame Manner as the Penalties and Forfeitures impoſed by the ſaid recited

recited Acts, are thereby respectively directed to be recovered, levied, paid and applied, except in such Cases where the same are by this Act directed to be recovered, levied, paid, and applied in any other Manner or Mode: Provided always, that in all Cases where the Goods and Chattels of the Party or Parties distrained upon, shall not be found sufficient to answer the several Penalties and Forfeitures by this Act or the said recited Acts imposed, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the County wherein such Offence shall be committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, Fines, and all reasonable Charges shall be sooner paid and satisfied.

No Action after Tender of Amends made.

XXIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in or be liable to sustain any Action for any Irregularity, Trespass or other Proceeding made, done or committed under or by virtue of this Act or the said recited Acts, until he, she or they shall have given or cause to have been given Twenty-one Days Notice in Writing, stating the Ground or Cause of such Action, to the Clerk or Clerks for the Time being to the said Trustees, or after a sufficient Satisfaction of Amends or a Tender thereof hath been made by or on the behalf of the Party or Parties who shall have committed, or caused to have been committed any such Irregularity, Trespass or wrongful Proceeding, to the Party or Parties aggrieved, before the Commencement of any such Action; and in case no such Satisfaction or Tender shall happen to have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court in which any such Action may be brought or be depending at any Time before Issue joined, to pay into Court such Sum of Money as he, she or they shall think fit, whereupon such Proceedings, or Order and Judgment shall be had, made and given in and by such Court, as in other Actions wherein the Defendant is allowed to pay Money into Court.

How the Expences of the Act shall be paid.

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

Public Act.

XXXI. 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 this Act.

XXXII. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) and this 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 Acts; and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the end of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1809.