ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 81.

An Act for continuing the Term and enlarging the Powers of an Act of His present Majesty, for making a Road from *French Top*, in the West Riding of the County of *York*, to *Glossop*, in the County of *Derby*; and for repairing the Road leading from *Copley Meadow* to *Stayley Bridge*, in the County Palatine of *Chester*. [27th *May* 1814.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from or nearly from* French Top, *in the Parish of* Saddleworth, *in the West Riding of the County of* York, *to* Brookhouses, *in the Parish of* Glossop, *in the County of* Derby; *and for repairing and altering the Road leading from or nearly from a Close called* Copley Meadow, *in* Stayley, *to or near to* Stayley Bridge, *in the County of* Chester: And whereas the Trustees appointed in or by virtue of the said recited Act have made great Progress in making, repairing, altering, and improving the said Roads, and have for that Purpose borrowed and expended very considerable Sums of Money; which Money still remains due and owing, and cannot be paid off; nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said recited Act be continued, and the Tolls thereby granted be increased; and it is expedient that some of the Powers and Provisions of the said Act should be altered, amended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by 33 G. 3. c. 140.

Powers of former Act extended to this.

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 Act, and all the Clauſes, Powers, Proviſions, Orders, Regulations, Reſtrictions, Penalties, Matters, and Things, therein contained (except ſuch as are varied, altered or repealed), ſhall be and continue in full force and effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents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 Amendments, Alterations, Variations, and Additions, herein-after contained, and which ſhall commence and take effect immediately upon the paſſing of this Act, and continue during the Term hereby granted.

Appointment of Truſtees confirmed.

II. And be it further enacted, That the Truſtees nominated in or appointed by virtue of the ſaid recited Act, and their Succeſſors to be hereafter appointed according to the Direction of the ſaid recited Act, ſhall be and they are hereby conſtituted and appointed Truſtees for putting the ſaid recited Act and this Act into Execution, with all the Powers and Authorities therein and herein given, as fully and effectually, to all Intents and Purpoſes, as if they had been named and appointed in this Act.

Additional Truſtees may be elected.

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 (of which Meeting and of the Purpoſe thereof Ten Days Notice ſhall be given, as directed by the ſaid recited Act reſpecting the Appointment of Truſtees on Vacancies) 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, in addition to the Truſtees thereby and hereby nominated and appointed.

Repealing former Tolls and granting new Tolls.

IV. And whereas the Tolls granted by the ſaid recited Act have been found inadequate to the proper Execution thereof; be it therefore further enacted, That from and after the paſſing of this Act the ſaid Tolls ſhall be and the ſame are hereby declared to be repealed; and that inſtead thereof, the Tolls following ſhall thenceforth be demanded, taken and paid, before any Horſe or other Cattle, Coach, Waggon or other Carriage, ſhall be permitted to paſs through any Turnpike or Toll Gate erected or to be erected upon, acroſs, or on the Side of the ſaid Roads; that is to ſay,

Tolls.

For every Horſe or other Beaſt of Draught, drawing any Coach, Chariot, Berlin, Landau, Hearſe, Chaiſe, Chair, Curricle, or Calaſh, the Sum of Nine-pence:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen or other Neat Cattle, the Sum of Two Shillings, and Sixpence *per* Score; and ſo in proportion for any leſs Number:

And for every Drove of Calves, Sheep, Swine or Lambs, the Sum of One Shilling *per* Score; and ſo in proportion for any leſs Number.

Double Tolls on Sundays.

And alſo that on each and every *Sunday* after the paſſing of this Act there ſhall be demanded and taken at all and every the Turnpikes or Toll Gates erected or to be erected upon, acroſs, or on the Side of the

 ſaid

said Roads, before any Horse or other Cattle, Coach, Waggon or other Carriage shall be permitted to pass through the same, Double the Tolls by this Act authorized to be taken for every Horse or other Cattle, Coach, Waggon, Cart or other Carriage (except such Horses, Waggons, Carts or other Carriages as shall be used or employed for carrying Milk only, the same being hereby declared to be liable to the Payment of the same Tolls as are due and payable on any other Day of the Week, and no more) passing through the said Turnpikes or Toll Gates, or any of them, on any other Day of the Week.

Tolls to be vested in Trustees.

V. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, shall be and the same are hereby vested in the Trustees for putting the said recited Act and this Act into Execution; and the same and every Part thereof shall be demanded, collected, recovered, levied, paid, assigned and varied, in such and the same Manner, and by such Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Regulations, and Restrictions, as are contained in the said recited Act with respect to the Tolls thereby granted; but subject nevertheless to this Act; and the Alterations, Provisions, Regulations, Exemptions, and Restrictions, herein contained.

Repeal of so much of the Clause in former Act, restricting the taking of more than One full Toll between Copley Meadow and Brookhouses.

VI. And be it further enacted, That so much of the said recited Act as enacts, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing with the same Horses, Cattle, Beasts, or Carriages, at any Time or Times in any one Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night, through all or any of the Turnpikes or Toll Gates to be erected by virtue of the said recited Act, between *Copley Meadow* and *Brookhouses* aforesaid; and that all and every Person and Persons having paid One full Toll at any Gate or Gates, Turnpike or Turnpikes, on the said Division of Road, should, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment, be permitted to pass and repass Toll-free during such Day as aforesaid, with such Horses, Cattle, Beasts, and Carriages, through all the said Turnpikes or Toll Gates on the said Division of Road; shall be and the same is hereby repealed.

Limiting Number of Tolls to be taken between Copley Meadow and Brookhouses.

VII. Provided always, and be it further enacted, That no more than Two Tolls shall be demanded or taken from any Person or Persons for passing and repassing with the same Horses, Cattle, Beasts, or Carriages, at any Time or Times in any one Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, through all or any of the Turnpikes or Toll Gates erected or to be erected by virtue of the said recited Act or of this Act, between *Copley Meadow* and *Brookhouses* aforesaid, and that all and every Person and Persons having paid Two Tolls at any Gate or Gates, Turnpike or Turnpikes on the said Division of Road, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment, be permitted to pass and repass Toll-free, during such Day as aforesaid, with such Horses, Cattle, Beasts and Carriages, through all the said Turnpikes or Toll Gates on the said Division of Road; all which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of the Tolls.

VIII. And

VIII. And whereas previous to the paſſing of the recited Act, divers Perſons entered into an Agreement, under their reſpective Hands, to pay various Sums of Money in and towards obtaining the ſame Act, and in making, altering and repairing the ſaid Roads, and for the other Purpoſes of the ſaid Act, upon having the ſame Monies ſecured to them in the Manner uſual and accuſtomed in ſuch Caſes: And whereas the ſeveral Perſons, who, in purſuance of ſuch Agreement, advanced Monies for the making and repairing of the ſaid Roads, have not been repaid the Monies ſo advanced by them, nor any Intereſt for the ſame, nor have any Mortgages been made or executed to them for the ſame Monies, or any Part thereof: And whereas it is expedient, reaſonable and juſt, that ſuch Perſons ſhould be repaid the Monies ſo advanced by them as aforeſaid; and until the ſame ſhall be repaid, that Mortgages ſhould be made and granted unto them reſpectively, for ſo much Money as they reſpectively have advanced, carrying Intereſt from the reſpective Dates of ſuch Mortgages; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby required, on the Application and at the Requeſt (ſuch Application and Requeſt being made in Writing unto the Clerk of the ſaid Truſtees within Twelve Months next after the paſſing of this Act) of all and every Perſon and Perſons who have advanced any Monies for the obtaining the ſaid recited Act, and the making, altering, maintaining or amending the ſaid Roads, or for any other Purpoſe of the ſame Act, to give and execute unto the ſame Perſon and Perſons a Mortgage or Mortgages of the Tolls granted by this Act, for and during the Term hereby granted, for ſo much Money as hath been reſpectively advanced by the ſame Perſons; and ſuch Mortgages ſhall bear and carry Intereſt on the reſpective Sums thereby ſecured, from the reſpective Dates thereof, at the Rate of Five Pounds for every One Hundred Pounds by the Year: Provided nevertheleſs, that the Expences of preparing and perfecting the ſaid Mortgage or Mortgages, ſhall be paid and borne by the reſpective Mortgagee or Mortgagees.

Power for Truſtees to give Perſons who advanced Money under former Act Mortgages for Monies advanced by them.

Application of the Tolls.

IX. And be it further enacted, That out of the Firſt Money ariſing by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall in the Firſt Place pay all the Coſts, Charges, and Expences of obtaining and paſſing this Act, or anywiſe relating thereto; and the Remainder of ſuch Monies ſhall from Time to Time be applied by the ſaid Truſtees, or any Five or more of them, in paying the Principal Monies and Intereſt which ſhall be ſecured on Mortgages of the ſaid Tolls, and in completing, repairing, widening, diverting and amending the ſaid Roads, and in defraying the neceſſary Expences attending the Execution of the ſaid recited Act and of this Act, and to no other Uſe or Purpoſe whatſoever.

Exemptions from Tolls.

X. 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 from any Perſon or Perſons reſiding within any of the Townſhips through which the ſaid Roads or any Part thereof reſpectively lead, for or in reſpect of any Horſe or Horſes or other Beaſts going to be ſhod at, or returning from any Smithy within any of the ſaid Townſhips; or from any ſuch Perſon or Perſons for any Carriage, or any Horſe, Cattle or Beaſt, laden only with, or going unladen for, or returning unladen after having been laden only with, on the ſame Day, Corn or Grain to be ground at any Mill within any of the

the ſaid Townſhips, for his or their own Uſe and Conſumption, and not for Sale; nor for any Horſe, Cattle, Beaſt or Carriage paſſing laden with, or paſſing empty or unladen for, or returning the ſame Day empty or unladen after having been laden only with Gravel, Stone or other Materials for making or repairing the ſaid Roads, or any Part thereof reſpectively; nor with any Graſs, Hay, or Corn in the Straw only (ſuch Hay or Corn in the Straw being the Produce of the Lands lying in the Townſhip or Townſhips through which the ſaid Roads or any Part thereof reſpectively lead, and in the Holding or Occupation of ſome Inhabitant thereof) paſſing to be laid up in the reſpective Houſes, Outhouſes, or Lands of the reſpective Inhabitants, Land Owners or Land Holders, in the Townſhip or Townſhips aforeſaid, (but any Carriage laden with any Hay or Straw ſold, or for Sale, ſhall not be exempted from Toll); nor with any Ploughs, Harrows or Implements of Huſbandry, only taking through the ſaid Turnpikes or Toll Gates for the Purpoſe of uſing or repairing the ſame; nor for carrying or conveying, or going for or returning empty after having carried or conveyed any Mould, Dung, Lime, Marl, Compoſt or other Manure to be employed in Huſbandry for manuring or improving Land, nor for any other Thing whatſoever employed in Huſbandry; nor for any Horſe, or any other Cattle or Sheep, going to or returning from Water, Paſture or Plough, or other Tillage or Work in Huſbandry; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar or Curate, or other Perſon going to or returning from his own Pariſh Church or Public Place of Divine Worſhip, on *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated; nor of or from any Perſon or Perſons reſiding in any of the Pariſhes in which the ſaid Roads do lie, going to or returning from any Church, Chapel or other Place of Religious Worſhip on *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes; nor 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; nor for any Coach, Landau, Berlin, Chariot, Calaſh, Chair or other Carriage, or any Horſe or other Beaſt conveying any Perſon or Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for any of the ſaid Counties of *York*, *Cheſter*, or *Derby*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor for any Horſes, Cattle or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor 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; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, 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 them in going to or returning from the

Place appointed for and on the Days 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 Exemption as aforesaid; nor for any Horses, Carts, Waggons or other Carriages employed in the Conveyance of Vagrants sent by legal Passes, or Prisoners sent to Gaol or House of Correction, or returning after being so employed; 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 this Act.

Owners of Carriages, provided for His Majesty's Service, in carrying Baggage, &c. not liable to any Penalty for carrying Over-weight.

XI. Provided always, 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, or 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 such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses to any 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.

Penalty on committing Nuisances, &c.

XII. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Roads, and meeting or being overtaken by another Coach, Chaise, Waggon, Cart, or other Carriage, shall not drive or keep his Carriage on the Left Side of the said Roads; or if any Person or Persons driving or riding upon any other Horse or other Beast carrying Milk-cans, Crates, Cans or Panniers, shall not keep the said Horse or other Beast on the Left-hand Side of the said Roads; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads, to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with an Iron Cowrake, or other Instrument with sharp Points, whereby the said Roads or any Part thereof shall be damaged; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the said Roads or any Part thereof, or the Fences, Hedgebackings or Cops on either Side thereof; or if any Person or Persons shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her or their 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 Firework whatsoever, on any Part or Parts of the said Roads, every Person so offending, shall for every such Offence

forfeit and pay any Sum not exceeding Forty Shillings; and the ſaid Penalties, Forfeitures, or Fines ſhall be recoverable and applied in the ſame Manner as is provided and directed by the ſaid recited Act, touching the Penalties and Forfeitures thereby inflicted or authorized to be impoſed.

Application of Compenſation when amounting to 200l.

XIII. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act and this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 Act and this Act; to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, to be purchaſed by virtue of the ſaid recited Act and this Act, in caſe ſuch Purchaſe or Settlement were made.

XIV. Provided

Application where less than 200l. and exceeding 20l.

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

Application where less than 20l.

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

In case of not making out Titles.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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, Control, and Disposition of the said Court of Chancery; which

said

ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is and are 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.

Reſpecting diſputed Titles.

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

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

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

Notice to be given before Materials taken, &c.

XIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of this or the ſaid recited Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Roads out of or from any incloſed Lands or Grounds, without the Conſent in Writing of the Owners thereof firſt had and obtained for that Purpoſe, or until Ten Days previous Notice in Writing, ſigned by the Surveyor of the ſaid Roads, ſhall have been given to the Occupiers of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Occupiers, to appear before any Juſtice or Juſtices of the Peace acting in and for the County or Place in which ſuch Lands ſhall be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, get, take, and carry away ſuch Materials, in ſuch Manner as is directed by the ſaid recited Act, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath of the Service of ſuch Notice, and which Oath they or any of them are hereby empowered to adminiſter) make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Juſtices to determine what Proportion of Statute Duty ſhould be done by the ſeveral Perſons.

XX. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Performance of Statute Labour on the ſaid Roads, under the Direction of the ſaid Truſtees, ſhall be and the ſame is hereby repealed; and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the County in which the ſaid Roads ſhall be ſituate, and they are hereby empowered and required, upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid 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 within their reſpective Juriſdiction, from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Hamlet or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, 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,

Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money, in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as 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 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, ſigned by the 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 who 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 ſhall be 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.

Public Act.

XXI. 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.

Term of the Act.

XXII. And be it further enacted, That the Term granted by the said recited Act shall, on the passing of this Act, cease and determine; and that the said Act and this Act shall from thenceforth commence, continue, and be in force, and be executed, for and during the Term of Twenty-one Years and from thence to the End of the then next Session of Parliament.

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