ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. lxviii.

An Act for more effectually repairing and otherwise improving the Road from the End of *Ardwick Green*, near *Manchester*, in the County Palatine of *Lancaster*, to *Hyde Lane Bridge* in the County Palatine of *Chester*. [28th *May* 1827.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike* 58 G. 3. c. 6.
Road from near the Town of Manchester *in the County of* Lancaster, *to* Hyde Lane Bridge *in the County of* Chester: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the General Laws* 3 G. 4. c. 126.
now in being for regulating Turnpike Roads in that Part of Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third* 4 G. 4. c. 95.
Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty King *George* the

5 G. 4. c. 69. Fourth, intituled *An Act to enable the Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas the Trustees appointed in or by virtue of the said first-recited Act have proceeded to put the same in execution, and have made considerable Progress in making and maintaining the Road therein mentioned: And whereas it would be more convenient if the said first-recited Act were repealed, and further and more effectual Powers granted for completing, repairing, widening, diverting, and otherwise improving the said Road, and also for raising a sufficient Income for those Purposes, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from the passing of this Act, the said first-recited Act, passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, shall be and the same is hereby repealed, and declared null and void to all Intents and Purposes.

Recited Act of 58 G. 3. repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, as well for making, completing, and maintaining as (from Time to Time) for effectually repairing, widening, diverting, and otherwise improving the Turnpike Road from the South-easterly End of *Ardwick Green*, near *Manchester*, in the County Palatine of *Lancaster*, to *Hyde Lane Bridge* in the County Palatine of *Chester*, commonly called "The *Manchester* and *Hyde* Turnpike Road."

Road at the Hough in Gorton to be completed in Three Years.

III. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to make and finish, or cause to be made and finished, that Part of the said Road comprised in the said first-recited Act which is situate in *Gorton*, in the said County Palatine of *Lancaster*, at or near a Place called *The Hough*, (and which has not hitherto been completed,) within Three Years from the Day of the passing of this Act.

Money due under repealed Act chargeable on the Tolls granted by this Act.

IV. And be it further enacted, That the Tolls hereby granted shall be liable to and are hereby charged with all Monies which have been borrowed or are now owing on the Credit of the Tolls granted by the said first-recited Act, and the Interest due and to grow due thereon respectively, as effectually as if such Monies had been borrowed or were owing on the Credit of the Tolls granted by this Act.

Powers of General Turnpike Acts applicable to this Act.

V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Matters and Things therein contained (except such Parts thereof as are varied or repealed by the said Act of the Fourth Year of the Reign of His present Majesty, or varied or otherwise provided),

and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Matters and Things therein respectively contained (except such Parts thereof as are varied or otherwise provided), shall respectively be as valid and effectual for executing this Act, as if the same Matters and Things had respectively been herein repeated and enacted.

Bonds, &c. under former Act to be good under this Act.

VI. And be it further enacted, That all Deeds, Bonds, Covenants, and Agreements, Contracts and Securities, Conveyances and Assurances, entered into by any Person or Persons to or with the Trustees for carrying the said first-recited Act hereby repealed into Execution, or to or with the Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of the Trust created by this Act; and all Contracts or Agreements, Demises, Mortgages, or Securities, Conveyances, Assurances, Bargains, and Notices, duly made, entered into, or given by the said Trustees, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms and Stipulations and Tenor thereof respectively, notwithstanding the Repeal of the said first-recited Act; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Books of Account, &c. under recited Act to be Evidence.

VII. And be it further enacted, That all the Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Actions, and legal Proceedings touching any thing done in pursuance or under the Authority of the same or of this Act.

Persons having Money or Books, &c. under former Act, to pay and deliver same to the Trustees under this.

VIII. And be it further enacted, That all Persons who have received any Money by virtue of the said first-recited Act, or who shall have in their Possession any Books, Papers, Writings, or Things relating to the said Road, shall account, pay, and deliver the same to the Trustees appointed by this Act, in like Manner and under the like Penalties as is and are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, or any of them, directed and inflicted in respect of or upon Persons receiving Monies or having the Possession of any Books or other Things by virtue thereof respectively.

Trustees.

IX. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said several Counties Palatine of *Lancaster* and *Chester* respectively, together with *George Andrew*, *Thomas Ashton*, *Samuel Ashton*, *James Ashton*, *Joseph Ashton*, *John Ashton*, *Benjamin Ashton*, the Honourable *Richard Grosvenor* commonly called Lord Viscount *Belgrave*, *Samuel Barker*, *James Brierley*,

Brierley, Thomas Brown, Ralph Booth, John Bentley, William Bromley, Robert Bentley, William Bentley, Edmund Buckley, Thomas Beale, John Bossen, Hyde John Clark, Rochford Clarke, Joseph Claye, Edward Chesshyre, William Clayton, David Shaw Clayton, John Cheetham, Isaac Crewdson, Richard Denham, Robert Davies, John Entwisle, Matthew Ellison, Thomas Ellison, William Fox, Ellis Fletcher, Samuel Gregg, George Grimshaw, John Grimshaw (of *Audenshaw*), *Joseph Stanfield Grimshaw, Robert Gregg, James Grimshaw, John Grimshaw, William Parr Gresswell* Clerk, *John Hyde, Thomas Hewitt, John Hilton, Edward Hobson, James Hobson, Joseph Horsefield, Randal Hibbert, John Howard, Charles Howard, William Hope, James Hyde, George Hudson, Samuel Jowett, John Kennedy, Thomas Knight, John Lomas, William Lomas, Gabriel Lupton, Aaron Lees, John Lees, Jeremiah Lees, William Lees, Peter Moss,* the Honourable *Augustus Moreton, James M'Connell, Richard Matley, John Milner Marris, John Mottram, Charles Mawson, James Meadows, James Meadows* the younger, *Samuel Oldknow, Francis Phillips, John Peacock, Thomas Pownal, Richard Potter, William Phillips, Thomas Porter, Joseph Redfern, Charles Rider, George Smith, James Smith, William Slack, John Sherratt, Thomas Sherratt, George Sidebottom, Joe Sidebottom, James Sidebottom, Henry Sidebottom, John Sidebottom* the younger, *John Shepley, Ellice Shawcross, James Smith, Robert Say, Joseph Turner, Thomas Turner, Richard Titley, Edward Titley, Joseph Todd, Christopher Todd, John White, Samuel Walker, Hugo Worthington, John Wright, John Wood* (of *Ashton*), *Francis Woodiwis,* and *John White,* and their Successors, being duly qualified according to the Directions and Requisitions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for carrying the same Acts and this Act, and all the Provisions thereof respectively, into full and complete Execution.

Power to appoint additional Trustees.

X. And be it further enacted, That it shall be lawful for the said Trustees, at the First or Second Meeting to be held under the Authority of this Act, to elect any Number of Persons, qualified according to the Provisions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, not exceeding Five in the whole, to be Trustees for executing the same Acts and this Act; and the Persons so elected are hereby invested with the same Powers and Authorities, as Trustees as aforesaid, as if they had been hereby expressly appointed.

Officers appointed under former Act to be liable, as if appointed under this Act.

XI. And be it further enacted, That every Collector of Tolls, and all Officers, other than and except the Treasurer, appointed by virtue of the said first-recited Act hereby repealed, shall hold and enjoy their respective Offices and Employments, and have the like Indemnities and Authorities for and in carrying the said Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, into Execution, and be subject and liable to the like Penalties, Powers of Removal, and Regulations, in all respects, as if he or they had been appointed by virtue of this Act.

XII. Pro-

Clerk not to be Treasurer and vice versâ.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or of his Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

First Meeting under this Act.

XIII. And be it further enacted, That the said Trustees shall meet at the *Navigation Inn* in *Hyde* aforesaid, or at some other convenient Inn, House, or Place near the said Road, on the Fourth *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Eleven of the Clock in the Forenoon, for the Purpose of proceeding to execute the same and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty.

Power to erect Toll Gates, &c.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove the Toll Gates or Turnpikes and Toll Houses now standing and being in, upon, or across the said Road, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or

more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each such Garden, as they shall think necessary, and from Time to Time to take down and remove, and afterwards rebuild or reinstate the same Toll Houses, Gates, Turnpikes, Side Gates, Side Bars, Chains, or Weighing Machines, or any of them, as they the said Trustees shall think proper to direct or appoint.

Number of Tolls limited.

XV. Provided also, and be it further enacted, That no more than Two full Tolls and a Half of a full Toll shall be demanded or taken in the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, for or in respect of the passing and repassing of the same Horses, Beasts, Cattle, and Carriages, through all the several Toll Gates on the said Road.

Tolls.

XVI. And be it further enacted, That, subject as herein is provided, the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse or other Beast or Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through any of the said Turnpikes or Toll Gates; (that is to say),

For every Horse or other Beast drawing any Coach, Chariot, Hearse, or other such Four-wheeled Carriage, when there are Two or more such Horses or Beasts, the Sum of Sixpence; and when there is but One such Horse or Beast, the Sum of Nine-pence:

For every Horse or other Beast drawing any Curricle, Gig, or other such Two-wheeled Carriage, the Sum of Four-pence:

For every Horse or other Beast drawing any Caravan or other such Four-wheeled Carriage used for the Conveyance of Goods, and constructed with Springs, when there are Three or more such Horses or Beasts, the Sum of Sixpence; and when there are or is a less Number of such Horses or Beasts, the Sum of Seven-pence:

For every Horse or other Beast drawing any Caravan or other such Two-wheeled Carriage used for the Conveyance of Goods, and constructed with Springs, when there are Two or more such Horses or Beasts, the Sum of Sixpence; and when there is but One such Horse or Beast, the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Three or Four Wheels of the Breadth of Six or more Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Four or more such Horses or Beasts, the Sum of Sixpence; when there are Three such Horses or Beasts, the Sum of Eight-pence; and when there are or is a less Number of such Horses or Beasts, the Sum of One Shilling:

For every Horse or other Beast drawing any Waggon or other such Carriage with Wheels of a less Breadth than Six Inches and not

less than Four and a Half Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Six or more such Horses or Beasts, the Sum of Five-pence; when there are Five such Horses or Beasts, the Sum of Sixpence; when there are Four such Horses or Beasts, the Sum of Seven-pence Halfpenny; when there are Three such Horses or Beasts, the Sum of Ten-pence; and when there are or is a less Number of such Horses or Beasts, the Sum of One Shilling and Three-pence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Four Wheels of a less Breadth than Four and a Half Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Six or more such Horses or Beasts, the Sum of Sixpence; when there are Five such Horses or Beasts, the Sum of Sixpence Halfpenny; when there are Four such Horses or Beasts, the Sum of Nine-pence; when there are Three such Horses or Beasts, the Sum of One Shilling; and when there are or is a less Number of such Horses or Beasts, the Sum of One Shilling and Sixpence:

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Six or more Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Four or more such Horses or Beasts, the Sum of Four-pence; when there are Three such Horses or Beasts, the Sum of Four-pence Halfpenny; when there are Two such Horses or Beasts, the Sum of Sixpence; and when there is but One such Horse or Beast, the Sum of Sixpence:

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of a less Breadth than Six and not less than Four and a Half Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Three or more such Horses or Beasts, the Sum of Sixpence; when there are Two such Horses or Beasts, the Sum of Sixpence Farthing; and when there is but One such Horse or Beast, the Sum of Seven-pence Halfpenny:

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of a less Breadth than Four and a Half Inches at the Bottom or Soles thereof, as follows; that is to say, when there are Three or more such Horses or Beasts, the Sum of Sixpence; when there are Two such Horses or Beasts, the Sum of Seven-pence; and when there is but One such Horse or Beast, the Sum of Eight-pence:

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

For every Head of Oxen, Cows, or other Neat Cattle, the Sum of One Halfpenny:

And for every Calf, Pig, Sheep, or Lamb, the Sum of One Farthing.

Fractional Part of a Halfpenny in Tolls.

XVII. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount or Calculation of any of the Tolls hereby authorized to be taken,

taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Regulation as to the Tolls payable at the Ardwick Bar.

XVIII. Provided also, and be it further enacted, That no more than One Half of the Tolls herein-before mentioned and authorized to be taken shall be demanded and taken at the *Ardwick* Bar, from any Person, in respect of any Horse or Beast of Draught for which full Tol shall have been paid on the same Day (such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night), and who shall produce a Ticket denoting such Payment at the *Gorton* Bar, and also at the *Denton* Bar, or at the *Reddish Lane* Side Gate.

Regulation as to the Tolls payable at the Reddish Lane Side Gate.

XIX. Provided also, and be it further enacted, That no more than One Half of the said Tolls shall be demanded and taken at the *Reddish Lane* Side Gate, from any Person, in respect of any Horse or Beast of Draught for which full Toll shall have been paid on the same Day, to be computed as aforesaid, and who shall produce a Ticket denoting such Payment at the *Ardwick* Bar or the *Denton* Bar; and no Toll shall be demanded and taken at the said Side Gate, from any Person, in respect of any Horse or Beast of Draught for which full Toll shall have been paid on the same Day, and who shall produce a Ticket denoting such Payment at the *Gorton* Bar.

Regulation as to the Tolls payable at the Gorton Bar.

XX. Provided also, and be it further enacted, That no Tolls shall be demanded or taken at the *Gorton* Bar, from any Person, in respect of any Horse or Beast of Draught for which full Toll shall have been paid on the same Day (to be computed as aforesaid), and who shall produce a Ticket denoting such Payment at the *Reddish Lane* Side Gate; nor from any Person who is proceeding through the same Side Gate, in respect of any Horse or Beast of Draught for which full Toll shall have been paid on the same Day at the *Denton* Bar, and who shall produce a Ticket denoting such Payment.

Regulation as to the Tolls payable at the Denton Bar.

XXI. Provided also, and be it further enacted, That no more than One Half of the said Tolls shall be demanded and taken at the *Denton* Bar, from any Person, in respect of any Horse or Beast of Draught for which full Toll shall have been paid on the same Day (to be computed as aforesaid), and who shall produce a Ticket denoting such Payment at the *Ardwick* Bar, and also at the *Gorton* Bar, or at the *Reddish Lane* Side Gate.

Regulations to extend to future Toll Gates.

XXII. Provided also, and be it further enacted, That the respective Regulations herein-before contained shall extend not only to the present Toll Gates and Side Gate herein-before mentioned, but to all other Toll Gates that may be hereafter erected in lieu of the present Toll Gates respectively.

Toll to be paid only Once for

XXIII. And be it further enacted, That when full Tolls shall have been paid in respect of any Horse or other Beast passing through any of

of the said Toll Gates, the Person or Persons paying the same shall, on producing a Ticket denoting such Payment, be permitted to return Toll-free before Twelve of the Clock at Night on the same Day, with the same Horse or other Beast; but if any Person shall pass a Third Time or oftener on the same Day with any Horse or other Beast, through all or any of the said Toll Gates, every such Person shall in respect of such Horse or Beast again pay the Tolls hereby granted, in the same Manner as if such Horse or Beast had not before passed through any of the said Toll Gates.

passing and repassing.

XXIV. And be it further enacted, That all Carts passing along the said Road drawn by One Horse or Beast only shall and may be weighed at any Weighing Machine erected on the said Road, and the like additional Tolls demanded, taken, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts with similar Wheels drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers and Owners thereof.

One Horse Carts may be weighed.

XXV. And be it further enacted, That all the Tolls hereby authorized to be taken upon the said Road, and all the Tolls which are authorized to be taken therein by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, are hereby vested in the said Trustees; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, and disposed of in such Manner as herein is directed and provided.

Tolls vested in Trustees.

XXVI. And be it further enacted, That the Tolls hereby made payable for and in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Stage Coaches, &c. to pay every Time of passing.

XXVII. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing and repassing along the said Road, whenever any new or fresh Hiring thereof shall take place.

Post Chaises on every new Hiring.

XXVIII. And be it further enacted, That all the Monies and other Effects which the said Trustees, or any of them, or any Treasurer or other Person on their Behalf, are or is or shall be possessed of or entitled to by virtue of the said recited Acts and this Act, or any of them, shall be by the said Trustees applied, in the first place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and passing this Act; in the second place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and

Application of the Tolls and other Money received under the former Acts and this Act.

other Buildings, of repairing the same, and erecting and making necessary and convenient Bridges upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; in the third place, in paying the Interest accruing upon the several Sums of Money already or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Roads; and lastly, in reducing, paying off, and discharging the same several Principal Sums; and it shall be lawful for the said Trustees from Time to Time, if they shall think fit, to ascertain the Order and Priority in which the same several Principal Sums shall be reduced and paid off and discharged, by Ballot.

Trustees may cancel old Mortgages.

XXIX. And be it further enacted, That the said Trustees shall and may receive in and cancel all or any of the Mortgages of Tolls granted under or by virtue of the said first-mentioned Act hereby repealed, and execute another Mortgage or other Mortgages instead and in lieu thereof respectively.

Power to make Foot-paths.

XXX. And be it further enacted, That it shall be lawful for the said Trustees to make and keep in repair any Causeways for the Use of Foot Passengers upon or on the Sides of the said Road (not being in any Town), and also Ditches or Drains in, upon, or at the Sides of the said Road, and through any private Ground contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Road, or across any of the Ditches, Watercourses, or Drains, in such Manner as they shall think proper, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and the said Trustees, it shall be lawful for any Two or more Justices of the Peace acting for the County wherein such private Ground lies, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, and to make such Order in the Premises as they shall think proper.

Application of Compensation Money if amounting to 200*l.*

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said Majesty particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all con-

venient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or other such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and 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 Court of Exchequer upon Application thereto, be invested by the same 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 by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

When less than 200*l.* and not less than 20*l.*

XXXII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or

or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, 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 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 manner herein-before directed, so far as the same be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 20*l.*

XXXIII. And be it further enacted, That where such Money so agreed or awarded to be paid as 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or Persons entitled not being found.

XXXIV. 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 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 be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and 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 the 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 thereto, and to make such other Order in the Premises as to the said Court shall seem just

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 for such Sum or Sums of Money, mentioning or specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession to be deemed presumptively entitled.

XXXV. 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 Exchequer, in pursuance of the said Acts and 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 Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest on any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXVI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.