ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xxi.

An Act for making and maintaining a Road from *Ridghill* and *Lanes*, in the Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, to or near to *Holehouse* in *Saddleworth* in the West Riding of the County of *York*.

[22d *March* 1826.]

WHEREAS the making and maintaining a Road from *Ridghill* and *Lanes*, within the Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, through the Townships of *Stayley* and *Tintwisle* in the Parish of *Mottram-in-Longdendale* in the County Palatine of *Chester*, to or near to *Holehouse* within *Saddleworth* in the West Riding of the County of *York*, will be of great Advantage and Convenience to the Owners and Occupiers of Estates and Inhabitants within the said Townships and Places adjacent, and will also be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: 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 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, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating* 3 G. 4. c. 126. 4 G. 4. c. 95.

lating 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
5 G. 4. c. 69. present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* 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
Trustees. Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the Counties Palatine of *Lancaster* and *Chester*, and for the West Riding of the County of *York* respectively, together with the Right Honourable *George Harry Grey* commonly called Lord *Grey*, the Honourable *Henry Booth Grey*, the Honourable *William Booth Grey*, the Honourable and Reverend *Anchitel Grey*, *Ely Andrew*, *Abel Bayley*, *William Bayley*, *Thomas Bradbury* of *Foulrakes*, *John Bradbury* of *Foulrakes*, *Edward Brown*, *Edmund Buckley*, *James Buckley* of *Manchester*, *John Buckley*, *Nathaniel Buckley*, *Abel Buckley*, *John Buckley*, *James Buckley* of *Carrhill*, *James Buckley* of *Greenfield*, *Frederick George Buckley*, *Thomas Evans*, *Joseph Evans*, *Booth Grey*, *John Greaves*, *James Hall* of *Cockerhill*, *Ralph Hall*, *James Hall* of *Stayley Bridge*, *John Hardman*, *Thomas Hardman*, *William Harrison*, *David Harrison*, *Abel Harrison*, *Allen Harrison*, *John Harrop* of *Ashton-under-Lyne*, *John Harrop* the younger of *Ashton-under-Lyne*, *Robert Harrop*, *John Harrop* of *Dobcross*, *John Harrop* the younger of *Dobcross*, *Joseph Harrop*, *Joel Hawkyard*, *George Hawkyard*, *Samuel Heginbottom*, *John Heginbottom*, *Hugh Kinder* of *Stayley Bridge*, *James Lawton*, *John Lawton*, *Robert Lawton*, *James Lees* of *Heyrod*, *William Lees* of *Mosley*, *Robert Lees* of *Ashton-under Lyne*, *John Mellor*, *William Mills* of *Heyrod*, *Joseph Mills* of *Heyrod*, *Thomas Mills*, *William Mills* the younger of *Luzley*, *James Mills* of *Scout*, *Joseph Mills* of *Scout*, *William Mills* the younger of *Scout*, *Robert Moss*, *Samuel Ousey*, *Judson Ousey*, *Ralph Ousey*, *Thomas Ousey*, *Samuel Seel*, *Neddy Shelmerdine*, *William Shelmerdine*, *John Richard Delap Tollemache*, *John Wood*, and *Joshua Wood*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, altering, improving, and keeping in repair the Road herein-before described and herein-after mentioned; (that is to say), a Road from *Ridghill* and *Lanes*, within the Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, through the Townships of *Stayley* and *Tintwisle*, in the Parish of *Mottram-in-Longdendale* in the County Palatine of *Chester*, to or near to *Holehouse* within *Saddleworth* in the West Riding of the County of *York*, and for otherwise carrying the said recited Acts and this Act into Execution.

Appointment of additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of Persons, not exceeding Six in the whole, to be Trustees for the Purposes of the said recited Acts and this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

Powers of recited Acts to apply to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His said present Majesty King *George* the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectua for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Meetings of Trustees.

IV. And be it further enacted, That the First Meeting of the said Trustees shall be held at the *Globe Tavern* in *Ashton-under-Lyne* aforesaid, or at some other convenient House or Place in the said Parish of *Ashton-under-Lyne*, on the Third *Thursday* next after the passing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon; and the said Trustees shall then and there proceed to carry the said recited Acts and this Act into Execution, and shall then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as they may think proper.

Treasurer and Clerk not to be the same Person.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who 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 the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person 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 or Persons 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 being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit

or

or Trust under the said Trustees other than that of Treasurer, every 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.

Trustees to make and set out Road.

VI. And be it further enacted, That it shall be lawful for the said Trustees to set out and make the Road herein-before described of such Width as the said Trustees may think proper, not exceeding Sixteen Yards, and for that Purpose to take and use any Lands, Tenements, and Hereditaments, first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments, to be settled and ascertained in manner directed by the said recited Acts, and from and after the making of the said Road, the same shall be deemed and taken to be and shall be a public Highway for ever, to all Intents and Purposes.

Road to be made according to the Maps or Plans deposited at the Offices of the Clerks of the Peace.

VII. And whereas duplicate Maps or Plans, describing the Line of the said Road, together with duplicate Books of Reference, containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same Road is intended to pass, have been deposited at the Offices of the respective Clerks of the Peace for the said Counties Palatine of *Lancaster* and *Chester*, and the West Riding of the said County of *York*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace aforesaid, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said respective Clerks of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviations shall be made.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Buildings, Tenements, and Hereditaments described in the said Maps or Plans, and Schedule hereunto annexed, although the Name or Names of the Owner or Owners thereof may happen to be omitted or mis-stated in the said Books of Reference, or in the Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the County or Riding in which the same Lands, Buildings, Tenements, and Hereditaments shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from taking down

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road shall not extend or be construed to extend to empower or authorize the said Trustees to take

take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned or specified in the Schedule to this Act annexed.

Houses, &c. without Consent, except those specified in the Schedule.

X. And whereas, for the Purpose of making, widening, altering, diverting, and otherwise improving the Road comprised in this Act, it will be necessary to purchase, take, and use (among other Tenements) the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations specified or mentioned in the Schedule to this Act annexed; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for any of the Purposes aforesaid, to purchase, take, and use all or any of the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations mentioned in the Schedule to this Act annexed, and to take down such Messuages and Buildings, and to lay the Sites thereof into the said Road; provided nevertheless, that if the said Trustees shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, in manner directed by the said first-recited Act, the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Trustees empowered to purchase and use the several Buildings, &c. mentioned in the Schedule.

XI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized to erect and set up, or cause to be erected and set up, such and so many Toll Gates or Toll Bars upon, across, or on the Sides of the said Road as the said Trustees shall from Time to Time think proper, and from Time to Time to remove the same, or any of them, and to erect another or others in the Room or Stead thereof, or to discontinue the same, as the said Trustees shall think proper and expedient; and also shall or may erect and provide so many Toll Houses, with suitable Outhouses and other Conveniences, and take in and inclose from the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House, at or near to such Toll Gates or Toll Bars, and also so many Weighing Machines, at or near such Toll Houses as to the said Trustees shall seem expedient.

Trustees may erect Toll Gates, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees, to demand and take, at each and every of the Toll Gates or Turnpikes which shall be erected in, upon, across, or on the Side or Sides of the said Road, the several Tolls following; (that is to say),

Power to take Tolls.

Tolls.

For every Horse or other Beast drawing any Coach, Chaise, Chariot, Curricle, or Gig, or any Caravan built and constructed with Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Fellies of the Wheels at the Bottom or Sole thereof of the Breadth of Nine Inches, the Sum of Three-pence; of the Breadth of Six Inches, and less than Nine Inches, the Sum of Sixpence; of a less Breadth than Six Inches, but not less than Four and a Half Inches, the Sum of Seven-pence Halfpenny; and of a less Breadth than Four and a Half Inches, the Sum of Nine-pence:

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

For Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number: And,

For Calves, Pigs, Sheep, and Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number:

Tolls vested in Trustees.

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse or Horses, or other Beasts or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Toll Bar; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

When the Toll amounts to the fractional Part of a Halfpenny.

XIII. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of One Halfpenny in the Calculation or Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Penny Halfpenny shall be demanded and taken in lieu of such fractional Part.

Number of Tolls limited.

XIV. Provided always, and be it further enacted, That no more than One full Toll, 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 Passage of the same Horse or Horses, Beasts, Cattle, and Carriages through all the several Toll Gates to be erected upon the said Road, except for Horses, Mules, or Asses, laden or unladen, and not drawing, and for which not more than Two full Tolls shall be taken in the same Day, to be computed as aforesaid.

Tolls to be paid but Once a Day.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of such Toll Gates, Turnpikes, or Side Gates, such Horse, Cattle, Beast, or Carriage shall during the same Day, to be computed as aforesaid, on which Toll has been so paid, upon Production of a Ticket denoting such Payment, be permitted to repass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through any other Gate or Gates freed by such Payment and Ticket, except such Waggon, Wain, Cart, or other such Carriage so drawn by such Horse or Horses or other Cattle so returning the same Day through all or any of the said Toll Gates or Turnpikes shall

shall be carrying or conveying any Lading of the Weight of Two hundred and forty Pounds Avoirdupois, in which Case One Half of the said respective Tolls shall be paid for the same Carriage when returning through the same Turnpike or Toll Gate, Turnpikes or Toll Gates, and also except as herein-after is further mentioned and excepted.

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

XVI. Provided also, and be it further enacted, That the said Tolls hereby made payable for and in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing through the Toll Gates, Turnpikes, or Side Gates upon the said Road, or any or either of them.

Post Chaises, &c. to pay every Time of a new Hiring.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid for every Time of passing through the Toll Gates, Turnpikes, or Side Gates upon the said Road, or any or either of them, whenever any new Hiring of such Horses or other Beasts shall take place.

A Bridge to be built over the Huddersfield Canal, and kept in repair by the Trustees.

XVIII. And be it further enacted, That in the Place where the said intended Road will or shall cross the *Huddersfield* Canal, the said Trustees shall and they are hereby required to make and erect a good and substantial Bridge of Stone, Brick, or Iron, over the said Canal and the Towing Path thereof, with proper Approaches thereto, and the Opening or Span of the Arch of such Bridge shall not be less than Sixteen Feet wide between the Walls or Abutments thereof, and the under Side of the Crown of the Arch of such Bridge shall not be less than Eight Feet high above the Top Water Level of the said Canal where such Bridge shall be erected; and the said Trustees shall at all Times keep such Bridge, or any future Bridge to be erected in lieu thereof, (and which shall be of the like Dimensions, Capacity, and Materials as are herein-before mentioned), in good, perfect, and complete Repair; and the Ascent to such Bridge shall not be more than One Foot in Thirteen Feet, and the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

No Obstruction to be occasioned.

XIX. Provided always, and be it further enacted, That the said Trustees, or any other Person or Persons whomsoever acting under their Authority, shall not in or by the making of the said intended Road occasion any Obstruction, Damage, or Injury to the said Canal, or any of the Works of the said *Huddersfield* Canal Company, or obstruct, prejudice, prevent or hinder the full and free Use and Enjoyment of the said Canal, and the Towing Path, Wharfs, and Works to the same belonging, save only such as shall be unavoidable in the erecting or repairing of the said Bridge.

Application of the Tolls.

XX. And be it further enacted, That all Monies which shall be received from the Tolls to arise and be levied by virtue of this Act, or which have been subscribed for the Purpose of making the said Road, and also the Monies which shall be borrowed on the Credit of this Act, and the Tolls hereby granted, shall be applied in the first place in the Payment

ment of the Expences of procuring and passing this Act, with lawful Interest for the Money which shall have been advanced for that Purpose, then in defraying the Expences of making the said Road, and in purchasing Lands, Hereditaments, and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Weighing Machines, Toll Houses with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, and other Matters and Things necessary for carrying the Purposes of this Act into Execution; and also in paying the Principal and Interest of all Monies advanced, or which may hereafter become due and owing on the Credit of this Act or the Tolls hereby granted, and afterwards in repairing, widening, altering, diverting, and improving the said Road, and in otherwise defraying the Expences attending the Execution of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and to and for no other Use or Purpose whatsoever.

Monies subscribed to be secured by Mortgages on the Tolls.

XXI. And be it further enacted, That the Monies subscribed, and which have been and shall be hereafter advanced for obtaining this Act, and for making the said Road, shall be secured to the respective Parties advancing the same, their Executors, Administrators, and Assigns, by Mortgages of the Tolls hereby granted, which Mortgages the said Trustees are hereby authorized and directed to make upon Payment of the Monies so subscribed as aforesaid, and such Monies shall carry Interest from the respective Times of the Advancement thereof, pursuant to the Agreement entered into for making the said Road.

Application of Compensation Money, when amounting to 200*l.*

XXII. 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 or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said recited Acts particularly mentioned, 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His said 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 in Discharge of any Debt or Debts, or other Incumbrances, or any 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, Trusts, Intents, or Purposes; or where such Money shall not be

1 G. 4. c. 35.

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 or 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 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, or Hereditaments, by the said recited Acts or this Act authorized to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money, when less than 200*l.* and exceeding 20*l.*

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

When under 20*l.*

XXIV. Provided also, and be it further enacted, That when 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, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; and 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 if Persons cannot be found, Purchase Money to be paid into the Bank.

XXV. And be it further enacted, That in case any 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 Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said 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 said Court of Exchequer, 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; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles or Interests 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 the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles.

XXVI. 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 said Court of Exchequer, 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 this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons respectively, or under the Possession of such Person or Persons, shall be deemed and taken to be 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 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

other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXVII. Provided also, 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, 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 Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, and 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 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct, out of the Monies to be received by virtue of this Act.

Public Act.

XXVIII. 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.

XXIX. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The

The SCHEDULE referred to by the foregoing Act.

Description of Property.	Owners or reputed Owners.	Occupiers.
HARTSHEAD DIVISION.		
Garden	The Earl of Stamford and Warrington	James Mellor.
House, Stable, and Garden	Ditto	John Motherby, Lessee. Jonathan Garside, Occupier.
House	Ditto	John Motherby, Lessee. Jonathan Thorpe, Occupier.
House	Ditto	John Motherby, Lessee. Isaac Senior, Occupier.
Garden	Ditto	Thomas Kay.
Barn	Ditto	Thomas Evans, Lessee. Thomas Burrows, Occupier.
Garden and Steps to House	Joseph Mills	Joseph Mills.
Garden and Fold	Neddy Shelmerdine	Neddy Shelmerdine.
Wood and Quarry	The Earl of Stamford and Warrington	The Earl of Stamford and Warrington.
Stable, River Tame, and Wear	Ditto	Elizabeth Wilson, Lessee. James Mills, Occupier.
Wood	Ditto	The Earl of Stamford and Warrington.
Cottage	Ditto	Samuel Seel, Lessee. Sarah Taylor, Occupier.
Reservoir	Ditto	Samuel Seel.
Garden	John Mellor	William Day.
SADDLEWORTH.		
Goit	Assignee of the late John Ikin	John Nield and William Kenworthy.
Plantation	John Hardman and Thomas Hardman	John Hardman and Thomas Hardman.
TINTWISLE.		
Canal and Towing Path	Huddersfield Canal Company	Huddersfield Canal Company.

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