ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 88.

An Act for continuing the Term and enlarging the Powers of an Act of His present Majesty, for amending the Road leading from *Congleton* to *Colley* Bridge, and other Roads in the said Act mentioned, in the Counties of *Chester* and *Derby*. [20th *May* 1809.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending, widening, and keeping in Repair the Road leading from* Congleton *to* Colley *Bridge, and from the said Bridge to* Smithy Green *in the Parish of* Prestbury, *in the County of* Chester; *and for setting out and making new Roads from* Smithy Green *aforesaid, to join a Branch from the* Leek *Turnpike Road at* Thatchmarsh Bottom *in the Parish of* Hartington, *in the County of* Derby, *and from the first mentioned Road to the* Havannah Mills: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted, which still remains due, and a considerable Sum of Money hath of late Years been borrowed on the Credit of the said Tolls for the Support of the said Roads, which together with the said Tolls have been applied to the Purposes of the said Act, and still also remain due; and which Monies 29 G. 3.

cannot be repaid, nor can the ſaid Roads be properly amended, improved, and kept in Repair, unleſs the Term and Powers of the ſaid Act are continued, enlarged, and altered; and it is neceſſary that the Tolls granted by the ſaid Act ſhould be repealed and others granted inſtead thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act and all the Clauſes, Powers, Proviſions, Orders, Regulations, Reſtrictions, Matters and Things therein contained (except ſuch Parts thereof as are hereby varied, altered, or repealed), ſhall be, and the ſame is and are hereby further continued, for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intents and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 contained, and which (except the Tolls herein-after mentioned) ſhall commence and take effect upon the paſſing of this Act, and ſhall continue in force during the Term hereby granted; and this Act and the additional Term, and the Tolls hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due and owing, in any Manner upon the Credit or on Account of the ſaid recited Act, and of ſuch other Sum and Sums of Money as ſhall be borrowed or become due and owing on the Credit thereof and of this Act, and of the Intereſt due and to grow due upon the ſame.

Act continued.

For regulating the Meetings of the Truſtees, and upon Emergencies.

II. And be it further enacted, That if at any Meeting to be held by virtue of this and the ſaid recited Act, there ſhall not appear a ſufficient Number of Truſtees to adjourn to another Day (Two Truſtees being hereby declared to be ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time in either of ſuch Caſes, by Notice in Writing to be affixed on all the Turnpike Gates upon the ſaid Roads, Ten Days at leaſt before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was held or was to have been held, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Thirty Days after the Day on which ſuch Meeting was held or was to have been held as aforeſaid.

Meetings on Emergencies.

III. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall upon any Emergency be thought neceſſary that an earlier Day for Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Two or more of the ſaid Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purport of ſuch intended Meeting, ſhall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then ſtanding upon the ſaid Roads, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time being not leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

IV. And

Trustees may sue and be sued in the Name of their Clerk.

IV. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Act and this Act, in the Name of their Clerk or Treasurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, or any Five or more of them, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, nor by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Act or this Act, shall be fully reimbursed and paid out of such Monies as may then be in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Act and this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto or become chargeable with by reason of his being made Plaintiff or Defendant as aforesaid.

Clerk to be reimbursed his Expences.

Present Tolls repealed.

V. And whereas the several Tolls by the said recited Act authorized to be taken on the said Roads, have been found inadequate to the proper Execution thereof, and some of the Exemptions from the Payment of Tolls by the said recited Act granted have been found very prejudicial to the said Roads; be it therefore enacted, That from and after the Fourth Day of *June* One thousand eight hundred and nine, all and every the Tolls granted by the said Act shall be, and they and every of them are and is hereby declared to be repealed, and that instead of the said Tolls by the said Act granted, there shall be demanded and taken, by such Person or Persons as the said Trustees, or any Five or more of them shall from Time to Time authorize or 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 Turnpike or Turnpikes, Toll Gate or Toll Gates now erected and set up, or hereafter to be erected and set up by virtue of the said recited Act and of this Act, the several and respective Sums of Money herein-after mentioned, (that is to say);

New Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage whatsoever, the Wheels whereof shall be of the Breadth of Nine Inches or upwards, Four-pence; of the Breadth of Six Inches and under Nine Inches, Five-pence; and of less Breadth than Six Inches, Sixpence:

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

For every Drove of Oxen, Cows, or other neat Cattle, the Sum of One Shilling and Eight-pence *per* Score; and so in Proportion for any greater or lesser Number: And,

For every Drove of Sheep, Lambs, Hogs, or Swine, the Sum of Ten-pence *per* Score; and so in Proportion for any greater or lesser Number.

VI. And

Repealing a certain Exemption from Toll.

VI. And be it further enacted, That so much of the Exemptions respecting the Payment of Tolls in the said recited Act contained, as enacts that no Horse or other Beast drawing any Cart or other such like Carriage, between the Town of *Congleton* and *Colley Mill*, or between *Colley Mill* and *Smithy Green* (not travelling for Hire), employed in carrying Corn and Grain only, and which shall have been purchased for the Purpose of being ground into Meal or Flour at the said Mill, or returning empty after having been so laden, or going empty for or returning laden with Meal or Flour only ground at the said Mill, arising from such purchased Corn, shall be charged with any greater Toll than One Penny at any Turnpike to be erected between the said Town of *Congleton* and *Smithy Green* aforesaid, shall be and the same is hereby repealed; and that in stead of every Horse or other Beast drawing any Cart or other such like Carriage as aforesaid, which would by the said recited Act be liable to the Payment of One Penny only, shall from and after the said Fourth Day of *June* One thousand eight hundred and nine, be liable to the Payment of and shall pay at the same Gates the following Tolls; (that is to say), for every Horse or other Beast so employed in drawing any Carriage whatsoever, the Wheels whereof shall be of the Breadth of Six Inches or upwards the Sum of One Penny Halfpenny, and of less Breadth than Six Inches the Sum of Twopence.

Double Tolls on Sundays.

VII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and required, on each and every *Sunday* (to be computed from Twelve of the Clock on the preceding *Saturday* Night to Twelve of the Clock on *Sunday* Night) to demand and take for every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs, or Swine, Double the Toll or Sum which shall for the Time being be authorized to be collected on any other Day under or by virtue of the said recited Act or this Act.

Tolls vested in the Trustees.

VIII. And be it further enacted, That the said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees, and the same, and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of 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 as are contained in the said recited Act with respect to the Tolls thereby authorized to be taken; but subject nevertheless to this Act, and the Provisions, Regulations, and Restrictions herein contained.

Present Tolls to be collected till the 4th June 1809.

IX. Provided always, and be it further enacted, That in the meantime and until the said Fourth Day of *June* One thousand eight hundred and nine inclusively, the Tolls at present payable at the several Toll Gates erected on the said Roads shall continue due and payable at the several Gates respectively, and shall be recovered and recoverable in such Manner as is provided by the said recited Act.

Exemptions from Tolls.

X. And be it further enacted, That all and every other Exemption or Exemptions from the several Tolls and Duties granted and made payable by the said recited Act shall cease and be no longer allowed, and that in

lieu thereof the ſeveral Exemptions from Tolls herein-after mentioned ſhall be allowed, (that is to ſay), that no Toll ſhall be demanded or taken for any Horſe or other Beaſt or Carriage paſſing through any of the Turnpike Gates or Toll Bars erected or to be erected upon or on the Side of the ſaid Roads, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed in or about the ſaid Roads, or for the repairing any Highways in the Pariſhes, Townſhips, Diſtricts or Places which are liable to perform Statute Duty upon any Part of the ſaid Roads, nor returning empty when ſo employed; nor carrying or conveying Hay, Corn in the Straw, or other Produce of the Lands lying within the ſaid Pariſhes, Townſhips, Diſtricts, or Places, to be laid up in the Houſes, Outhouſes, Barns, or Yards belonging to the Inhabitants of and ſituate within the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in the Cultivation of the ſaid Lands; nor any Manure to be conſumed thereupon, (Lime only excepted), nor going or returning empty when ſo employed; nor in carrying or conveying any Corn or Grain, Flour or Meal, not ſold or diſpoſed of, to or from any Corn Mill or Mills, ſituate within any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor ſhall any Toll be paid by any Rector or officiating Miniſter of, or other Perſon or Perſons who ſhall paſs through the ſaid Turnpike Gates or Toll Bars to or from any Church, Chapel, or other Place of Religious Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon any other his Parochial or Miniſterial Duty on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Sheep, Lambs, Goats, or Hogs which are to be kept within the ſaid Pariſhes, Townſhips, Diſtricts, or Places, going to or returning from Paſture, the Commons, or other Grazing Grounds or watering Places, or Blackſmiths Shops, or in bringing Peat, Turf, or Heath from off the Moors, Heaths, or Commons belonging to the ſame, for the Uſe of the Inhabitants of the Pariſh, Townſhip, Diſtrict or Place, wherein ſuch Peat, Turf, or Heath ſhall be produced or grow; nor for any Horſes or Carriages of whatſoever 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 the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on the March or on Duty, or Carriages or Horſes, or other Beaſts employed in carrying Arms or Baggage of ſuch Soldiers; 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; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from 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; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants,

travelling with legal Paſſes, or travelling with Vagrants ſent by legal Proceſs; nor any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *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; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions in this Act contained, not being entitled thereto, every Perſon ſo offending and being thereof convicted upon the Confeſſion of the Party accuſed, or on the Oath or Oaths of One or more Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace of and for the County of *Cheſter* or *Derby*, (which Oath or Oaths ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof ſhall be paid to the Informer or Informers upon whoſe Oath or Oaths the ſaid Offender or Offenders ſhall be convicted, to and for his, her, and their own Uſe and Uſes, and the other Moiety ſhall be paid to the Treaſurer to the ſaid Truſtees, and go and be applied in repairing and widening the ſaid Roads.

Owners or Drivers of Waggons in the Service of His Majeſty, not ſubject to Penalties for Overweight, etc.

XI. 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 to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the ſaid recited Act contained to the contrary notwithſtanding.

Barkeepers competent Witneſſes.

XII. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall ariſe touching or in anywiſe concerning the ſaid Tolls or the Recovery thereof, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls or any of them.

Penalty on aſſaulting Perſons in Execution of this Act.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, the Collectors of the Tolls or any of them, to the Turnpike Surveyor or Surveyors, or any Perſon or Perſons employed by them or either of them reſpectively, or by the ſaid Truſtees or any of them, in the Execution of any Part of the ſaid recited Act or this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds; which Penalty ſhall be applied towards the Repairs of the ſaid Roads, and ſhall be recovered in ſuch Manner as the other Penalties are by the ſaid recited Act and this Act or either of them, directed to be recovered.

XIV. And

Application of Compensation, if amounting to 200l.

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

Application of Compenſation if leſs than 200l. and exceeding 20l.

XV. 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 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 and 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 Five of the Truſtees for executing the ſaid recited Act and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where under 20 l. Sterling.

XVI. 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 Purpoſe of the ſaid recited Act and 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, &c.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

XVII. 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, 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 Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Chancery; which 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 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 Publick 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

and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In Caſes of queſtionable Title, Poſſeſſor to be deemed to have a Title until the contrary ſhall be ſhewn.

XVIII. 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 to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any of 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 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 of Chancery may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

XIX. 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 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 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 Act and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For regulating Statute Labour.

XX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads 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 ſaid County of *Cheſter* or *Derby*, and they are hereby empowered and required upon Application made to them by the ſaid Truſtees, or any Two or more of them, or by their Treaſurer, 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 or Places in which the ſame do lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them, paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers, (except in the Townſhip of *Wildbour Clough*, which ſhall be and remain as in the ſaid recited Act is directed); and in order thereunto, it ſhall be lawful for ſuch Juſtices or one of them, from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 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 Compenſation for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute now in force or effect for the Repairs of Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint, allot, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done at ſuch Days, and at ſuch Times (not being Harveſt or Hay-time), and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Three 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 Compenſation 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 order or direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed to be recovered; and each and every Perſon who ſhall 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 uſual Place or Places of Abode for that Purpoſe, by any Surveyor of or to 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 or effect for the Repair of Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor of or to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be ſo found idle or negligent as aforeſaid, and in that Caſe any ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if he, ſhe, or they, had refuſed or neglected 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 ſaid Truſtees or to their Treaſurer, and ſhall be applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

To prevent Annoyances.

XXI. And be it further enacted, That it ſhall and may be lawful for the Surveyor, or any other Perſon or Perſons whom the ſaid Truſtees or any Five or more of them ſhall appoint, to remove or prevent all Annoyances on any Part of the ſaid Roads or the Cauſeways adjoining the ſame, by Filth, Dung, Aſhes, Straw, Rubbiſh or otherwiſe, and convert the ſame to his and their own Uſe and Uſes.

Penalty on Perſons injuring ſaid Roads.

XXII. And be it further enacted, That if any Perſon or Perſons driving any Pigs or Swine upon the ſaid Roads or any Part thereof, ſhall ſuffer the ſame to ſtop upon the ſaid Roads or any Part thereof, or to root up and damage the ſame or any Part thereof, or the Fences, Hedges, Backings or Cops on either Side thereof, or if any Perſon driving or riding upon any Horſe, Mare or Gelding, Mule or Aſs, carrying Cans, Crates or Panniers, ſhall not keep the ſaid Horſe, Mare or Gelding, Mule or Aſs, on the left-hand Side of the ſaid Road, 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, or Fireworks whatſoever, on any Part or Parts of the ſaid Roads, or within Forty Yards from the ſame, or ſhall wheel any Wheelbarrow or Wheelbarrows upon any Footway adjoining the ſaid Roads or any Part thereof, or ſhall lay any Hay, Straw, or other Matter or Thing upon any Part or Parts of the ſaid Roads to be made into Manure, or ſhall ſcrape off the ſame any Mud, Soil, Matter or Thing which ſhall be or lie upon any Parts of the ſaid Roads with an Iron Rake or other Inſtrument with ſharp Points, or ſhall pull or force up any Stones or other Parts of the Pavement on the ſaid Roads or any of them, to the Damage thereof, or ſhall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatſoever upon the ſaid Roads or any Parts thereof, or ſhall otherwiſe obſtruct or impede the Paſſage upon the ſaid Roads or any Part thereof, or ſhall turn out any Horſes, Cows or other Cattle, Mules, Aſſes, or Swine, upon the ſaid Roads hereby directed to be repaired or any Part thereof, or into the Lanes or Ditches adjoining the ſame, every Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied and applied in ſuch Manner as other Penalties, Forfeitures, and Fines are by the ſaid recited Act or this Act directed to be recovered, levied and applied.

Summary Form of Conviction.

XXIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt the ſaid recited Act and this Act, or either of them, or the General Turnpike Act; be it further enacted, That every Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid recited Act or this Act, or the ſaid General Turnpike Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect as the Caſe may happen; (that is to ſay),

'BE

'BE it remembered, That on the Day of
To wit. ' in the Year of our Lord
' *A. B.* is convicted before me *C. D.* One
' of His Majesty's Justices of the Peace for the County of
' [*here specify the Offence, and the Time and Place when and where the same*
' *was committed, as the Case may be*]. Given under my Hand and Seal
' the Day and Year first above mentioned. ' *C. D.*'

Expences of Act how to paid.

XXIV. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the said Trustees or any Five or more of them, out of the Monies already raised by virtue of the said recited Act, and now in the Treasurer's Hands, or out of the First Monies which shall be collected or received by virtue of the said Act and this Act, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for or on account of obtaining this Act, as well the Person or Persons advancing and paying any such Money, as also all and every other Person and Persons who have already advanced any Monies to or for the Use of the said Trustees for the Purposes of the said Act or this Act, shall be repaid the same out of any Monies already raised or received or to be raised or received by virtue of the said recited Act and of this Act, together with Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same.

Persons advancing Money to be repaid with Interest.

Public Act.

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

Term of the Act.

XXVI. And be it further enacted, That this Act except as herein-before mentioned, shall commence upon the passing thereof, and shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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