ANNO SEPTIMO

# GEORGII IV. REGIS.

## *Cap.* lxxxviii.

**An Act for amending, repairing, and maintaining the Turnpike Road from the South End of the Town of *Rotherham* in the County of *York*, to the present Turnpike Road near *Pleasley* in the County of *Derby*.** [5th *May* 1826.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening the Road from the South End of the Town of* Rotherham *in the County of* York, *to the present Turnpike Road near* Pleasley *in the County of* Derby; *and also the Road from the North End of the said Town of* Rotherham *into the present Turnpike Road on the East Side of* Tankersley Park *in the said County of* York: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act, made in the Fourth Year of the Reign of King* George *the Third, intituled* 'An Act for amending and 'widening the Road from the South End of the Town of Rotherham in the 'County of York, to the present Turnpike Road near Pleasley in the County 'of Derby; and also the Road from the North End of the said Town of 'Rotherham into the present Turnpike Road on the East Side of Tankersley 'Park in the said County of York,' so far as the same relates to the Road leading from Rotherham aforesaid to the Turnpike Road near Pleasley aforesaid: And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of the Fourth and Twenty-fifth Years of His present Majesty, so far as relates to the Road from*

4 G. 3. c. 65.

25 G. 3. c. 105.

46 G. 3. c. 5.

*from the South End of the Town of* Rotherham *in the County of* York, *to the present Turnpike Road near* Pleasley *in the County of* Derby: And whereas the Trustees appointed in or acting under or by virtue of the said recited Acts, so far as the same respectively relate to the said Road leading from *Rotherham* aforesaid to the Turnpike Road near *Pleasley* aforesaid, have borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, with a considerable Arrear of Interest, and cannot be paid off, nor can the said Road be effectually amended and kept in repair, unless the Powers and Provisions of the said several recited Acts, so far as the same relate to the said Road leading from *Rotherham* aforesaid to the Turnpike Road near *Pleasley* aforesaid, be amended and enlarged, and the Tolls increased or altered: And whereas an Act was passed in the Third Year of the Reign of His present
3 G. 4. c. 126. Majesty, 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 another Act was passed in the Fourth Year of the Reign of
4 G. 4. c. 95. His 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 Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth
5 G. 4. c. 69. Year of the Reign of His 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*: And whereas it is expedient that the said first Three recited Acts, so far as the same respectively relate to the said Road leading from *Rotherham* aforesaid to the Turnpike Road near *Pleasley* aforesaid, should be repealed, and that other Provisions should be made 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

Recited Acts of 4, 25, & 46 G. 3. repealed so far as regards the Road from Rotherham to Pleasley, and this Act to take effect.

Authority of the same, That from and immediately after the Thirtieth Day of *June* next, the said several recited Acts, passed in the Fourth, the Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, so far as regards the said Road from *Rotherham* aforesaid to the Turnpike Road near *Pleasley* aforesaid, and this Act shall from thenceforth commence and take effect and be put into Execution, for and during the Term herein-after mentioned, for the Purpose of amending, improving, and keeping in repair the Road leading from the South End of the Town of *Rotherham* in the County of *York*, through the Towns of *Whiston* and *Aughton*, from thence to the Towns of *Clown* and *Stony Houghton*, to the present Turnpike Road, near the Town of *Pleasley*, which leads from the Town of *Mansfield* to the Town of *Chesterfield*.

Tolls granted by this Act subject to Debts under former Acts.

II. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the said first District of Road, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to

the Trustees for executing the said first Three recited Acts, on account of the said Road, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Securities, &c. under former Acts to continue in force.

III. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by, or entered into by any Person or Persons to or with the Trustees of the said first District of Road, for executing the said first Three recited Acts, so far as the same relate to the said Road, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said first Three recited Acts, with or to any Person or Persons, for any Purpose relating to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

Books of Proceedings under former Acts to be Evidence, and together with Books of Account, be open to Inspection.

IV. And be it further enacted, That all Books of Proceedings of the Trustees of the said first-mentioned District or Division of Road, kept according to the Directions or Provisions of the said first Three recited Acts, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements made under the said first Three recited Acts, relating to the said Road, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the said Trustees, or as they shall direct, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Transferring Powers of General Turnpike Acts 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 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 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 present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except

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 effectual 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.

**Appointment of Trustees.**

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, and all His Majesty's Justices of the Peace acting for the County of *Derby* respectively, for the Time being, together with the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called Viscount *Milton*, *James Archibald Stuart Wortley* Esquire, Sir *Francis Lindley Wood* Baronet, Sir *Joseph Copley* Baronet, Sir *John Byng* Knight Commander of the Bath, *Jonathan Alderson* Clerk, *William Alderson* Clerk, *George Alderson* Clerk, *Christopher Alderson*, *John Carver Athorpe*, *Thomas James Bosvile*, *Henry Bowdon*, *John Bruno Bowdon*, *Alexander Crawford Broomhead* Clerk, *Thomas Butler*, *William Ball*, *William Booth*, *John Boomer*, *Edward Barnsley*, *Edwood Chorley* Doctor of Medicine, *George Chandler* Clerk, *Samuel Clark*, *Samuel Clarke*, *Robert Clarke*, *William Henry Downes* Clerk, *Richard Didsbury*, *Thomas Downes*, the Honourable and Reverend *Thomas Erskine*, *Vincent Henry Eyre*, *Charles Wolff Eyre* Clerk, *George Savile Foljambe*, *Henry Savile Foljambe*, *John Fullerton*, *John Fullerton* the younger, *Francis Foxlow* Clerk, *John Foster* Clerk, *George Fox*, *John Fisher*, *William Gossip*, *William Gossip* the younger, *Aurengzebe Gossip*, *James Hunloke*, *Thomas Hallows*, *John Hall*, *William Hoyle* the elder, *Thomas Hounsfield*, *John Hounsfield*, *Richard Inman* Clerk, *George King* Clerk, *John Lowe* Clerk, *John Lowe* the younger, Clerk, *James Jackson Lowe* Clerk, *William Jarvis*, *Matthew Jarvis*, *Henry Machin*, *Thomas Mawe*, *Robert Marsh*, *John Barker Marsh*, *Robert Morton*, *Joseph May*, *Thomas May*, *John Marriott*, *John Need*, *Charles Newton*, *John Norborn*, *Thomas Newbould*, *Hugh Parker*, *John Parker* (*Woodthorpe*), *Samuel Parker* (*Woodthorpe*), *William John Pickin*, *John Wilton Parry* Clerk, *William Potter* (*Brampton*), *Francis Parker*, *Cornelius Heathcote Reaston Rodes* Clerk, *Peter Acklom Reaston* Clerk, *James Rawlins*, *John Roodhouse*, *John Rodgers*, Sir *George Sitwell* Baronet, *Thomas Stacye* Clerk, *Benjamin Sayle*, *John Sorby*, *Richard Stanley*, *William Smith*, *William Smith* the younger, *George Staniforth*, *John Staniforth*, *John Staveley*, *Matthew Scorah*, *William Scorah*, *William Siddon*, *Henry Sikes*, *Richard Smith* Clerk, *Nightingale Shore*, *Nassau Sutton*, *Charles Savile*, *Edward James Townsend* Clerk, *Jonathan Trebeck* Clerk, *Robert Taylor*, *Harrison Taylor* Clerk, *Harry Thompson*, *John Turner*, *William Turner*, *Arthur Charles Verelst* Clerk, *John Vickers*, *Richard Fountayne Wilson*, *Fountayne John Woodyeare*, *William Wrightson*, *William Bland Wrightson*, *Thomas Walker*, *Samuel Walker*, *Jonathan Walker*, *Henry Walker*, *Joshua Walker*, *Joseph Walker*, *Thomas Walker* the younger, *Edward Walker*, *John White*, *Richard Walker*, *Henry Watkins* Clerk, *Henry Watkins* the younger, Clerk, *George Clarke Walker*, *John Woodcock*, *George Woodcock*, *John Wright* (*Barlbro*), *William Young* Doctor of Medicine, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and repairing the said Road, and for otherwise putting this Act in execution.

VII. And

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified according to the Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty (not exceeding Four in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Crown Inn*, in the Town of *Rotherham*, or some other convenient Place on or near the said Road, on the First *Monday* after the Commencement of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road, as they shall think proper.

Old Officers to continue until removed by Trustees.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said former Acts, shall hold and enjoy such their several and respective Offices and Employments, until they shall respectively die or resign the same, or shall be removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person

in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

**Power to erect Toll Gates, Toll Houses, &c.**

XI. And be it further enacted, That it shall be lawful for the said Trustees to continue or remove all and every or any of the Toll Gates or Turnpikes, and any Toll Houses now standing and being in or upon or across the said Road, or on the Sides thereof; 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 think expedient, any Toll Gate or Toll 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 respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

**Power to take Tolls.**

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money herein-after mentioned, or such Sums or Sum, not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

**Tolls.**

For every Horse, Mule, or other Beast, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricle, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall

be of the Breadth of Four Inches and a Half, and less than Six Inches, at the Bottom or Sole thereof, the Sum of Four-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Three-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number:

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain; 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 hereinafter directed.

**Tolls to be paid but Once a Day.**

XIII. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle, through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Toll Gates, Turnpikes, or Side Gates, (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

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

**Post Chaises, &c. to be subject on every new Hiring.**

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

**Limiting the Number of Tolls on the whole Line of Road.**

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees or any Collector or Collectors to demand or take, for or in respect of the same Horse, Beast, or Cattle, for passing and repassing at any Time or Times in any one Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than Five full Tolls.

XVII. And

Exemption from Toll.

XVII. And be it further enacted, That no Toll shall be demanded or taken, by virtue of this Act, of or from any Person or Persons for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime to be used for manuring Lands, and not travelling more than One Mile upon the said Road, provided that the Fellies of the Wheels of any such Waggon, Wain, Cart, or Carriage shall not be of less Breadth than Six Inches.

Application of the Tolls.

XVIII. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall, in the first Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the second Place, in keeping down the Interest of the Principal Monies due and owing on the Credit of the Tolls arising on the said District or Division of Road by virtue of the said first Three recited Acts, and which may be borrowed on the Credit of this Act, and afterwards in amending and maintaining in repair the said Road, and in otherwise putting this Act into Execution, and then in repaying the Principal Monies already borrowed on the Credit of the Tolls arising on the said Road by virtue of the said first Three recited Acts; and lastly, in repaying the Principal Monies to be borrowed on the Credit of this Act.

No Part of the Money to be laid out in repairing Streets, &c.

XIX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in the repairing the Roads or Streets in any Part of the said Town of *Rotherham*; any thing herein contained to the contrary in anywise notwithstanding.

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

XX. 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 to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of 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

1 G. 4. c. 35.

Intent

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 towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being 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 and with 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 purchased, taken, or used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application made thereto as aforesaid, 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 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 so hereby directed to be purchased, and in case such Purchase and Settlement thereof were then actually made.

Where less than 200*l.* and exceeding 20*l.*

XXI. Provided always, and be it further enacted, That if any Money so to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail or for Years, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the 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 named by the Person or Persons making such Option, and approved of by Three or more of 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 to arise

thereon, or the Interest thereof, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

**Where more than 20*l.***

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall belong absolutely and be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in Cases of Infancy, Idiotcy, 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 disputed Titles to Land.**

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be so purchased by virtue of 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 the Person or Persons to whom such Sum or Sums of Money shall be agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so agreed or awarded to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

**Respecting disputed Titles to Money.**

XXIV. 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments

ments so 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 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 Exchequer; 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 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.

XXV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or 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 Court of Exchequer 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, 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.

Ditches, Drains, Bridges, &c, by whom to be made and cleansed.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, and the Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth as they shall consider expedient for the Purpose of keeping the said Road dry and of conveying the Water from the same, as well on the Side or Sides of the said Road, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Road (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House); and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass through, in, or under the said Road, shall be maintained and repaired by the said Trustees, subject to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty.

XXVII. And

Public Act.

XXVII. 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.

XXVIII. And be it further enacted, That this Act shall commence upon the Thirtieth Day of *June* next, 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.

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