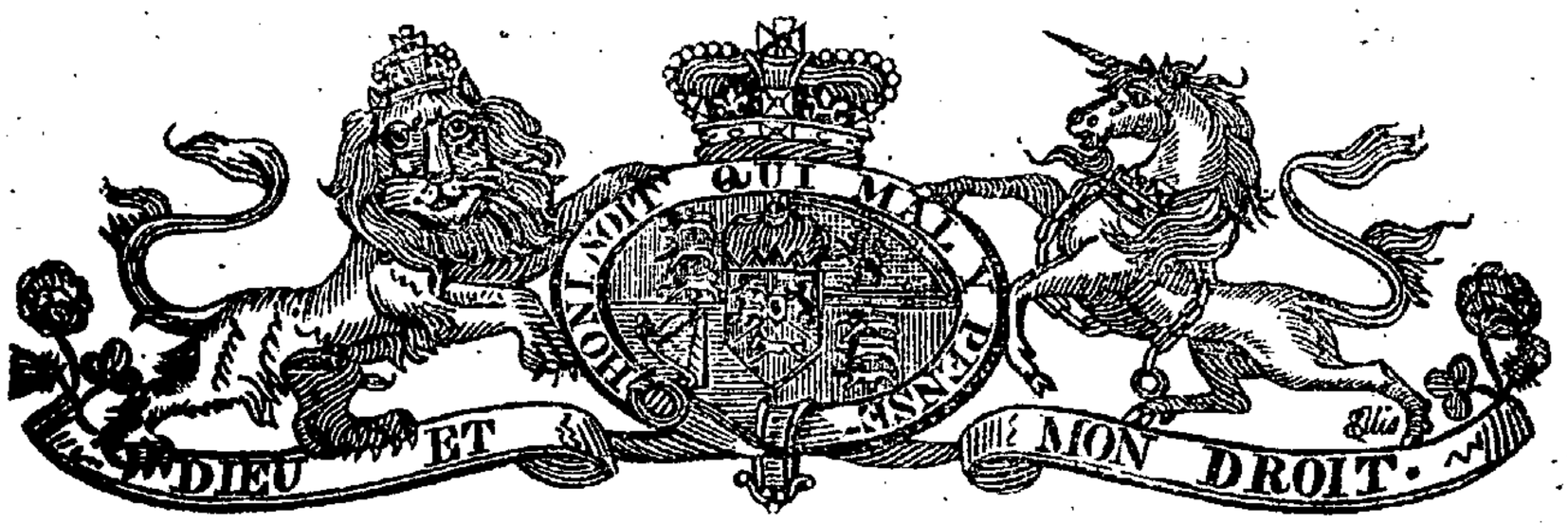


ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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in that Part of Great Britain *called* England: And whereas another Act was passed in the Fifth 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for repairing and maintaining Turnpike Roads:* And whereas it is expedient that the said first-recited Act should be repealed, and that further and other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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 from and immediately after the passing of this Act the said recited Act, passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed.

5 G. 4. c. 69.

Recited Act 49 G. 3. c. 5. repealed;

and this Act to take Effect.

II. And be it further enacted, That this Act shall be put into Execution, for and during the Term herein-after mentioned, for the Purpose of amending, widening, improving, and keeping in repair the Road leading from the North End of the Town of *Rotherham*, through *Rawmarsh*, to the South End of a certain Lane called *Pottery Lane*, in the Township of *Swinton* in the West Riding of the County of *York*.

Tolls granted by this Act made liable to former Debts.

III. 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 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-recited Act 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 Act to continue in force.

IV. 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 Road, for executing the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same 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 of the said Road for executing the said first-recited Act, with or to any Person or Persons, for any Purposes relating to the said Road, or to the Execution of the said first-recited Act, 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-recited Act.

V. And

Books to be open to Inspection, and to be Evidence.

V. And be it further enacted, That all Books for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Road, kept according to the Directions or Provisions of the said first-recited Act, 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-recited Act, shall be preserved and kept by the Trustees under this Act, or as they shall direct, and shall at all reasonable 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 Clerk to the said Trustees, or other Person having the Care of such Book or Books, shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Penalty for Refusal of Inspection.

Powers of General Turnpike Acts extended to this Act.

VI. 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,) 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 such Parts thereof as are expressly varied, altered, or otherwise provided for,) 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.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called Viscount *Milton*, the Honourable *John Stuart Wortley*, Sir *Francis Lindley Wood* Baronet, Sir *William Cooke* Baronet, Sir *Joseph Copley* Baronet, Sir *John Byng* Knight Commander of the Bath, *Jonathan Alderson* Clerk, *William Alderson* Clerk, *William Aldam*, *John Aldred*, *Thomas James Bosvile*, *Henry Bower*, *John Bower* Doctor of Medicine, *John Branson*, *Thomas Blackley* Clerk, *George Broadrick*, *Thomas Butler*, *John Birks*, *Godfrey Bingley*, *John Boomer*, *Edward Barnsley*, *Thomas Bingley*, *Alexander Barker* Clerk, *Thomas Badger* the younger, *Alexander Cooke* Clerk, *Edwood Chorley* Doctor of Medicine, *George Chandler* Clerk,

Clerk, *Charles Cator* Clerk, *Charles Constable* Clerk, *Robert John Coulman*, *Samuel Clark*, *Robert Clarke*, *Samuel Clarke*, the Honourable *William Duncombe*, *John Thomas Dawson*, *Robert Dymond* Doctor of Medicine, *Edmund Denison*, *Richard Didsbury*, *Francis Offley Edmunds*, *Charles Wolff Eyre* Clerk, *Vincent Henry Eyre*, *Michael Ellison*, *Thomas Eyre*, *George Savile Foljambe*, *Henry Foljambe*, *John Fullerton*, *John Fullerton* the younger, *Weston Fullerton*, *John Firth*, *Charles David Faber*, *John Foster* Clerk, *William Walker Hutchinson* Doctor of Medicine, *Samuel Hilton*, *Henry Hartop*, *William Hoyle*, *William Hoyle* the younger, *Philip Hawley*, *John Lowe* Clerk, *John Lowe* the younger, Clerk, *James Jackson Lowe* Clerk, *Richard Lacy* Clerk, *Henry Stephen Milner* Doctor of Laws, *Francis Maude*, *Francis Maude* Clerk, *John Marriott*, *Charles Newton*, *William Newman*, *Edward Newman*, *John Nightingale*, *John Oxley*, *Hugh Parker*, *George Parker*, *John Parker*, (*Woodthorpe*,) *John Pearson*, *Samuel Parker*, (*Woodthorpe*,) *Francis Parker*, *William Parkin*, *George Ramsden*, *John Robinson* Doctor of Medicine, *John Roodhouse*, *Richard Robson*, *William Rhodes*, *George Roberts*, *William Spencer*, *Benjamin Sayle*, *John Sheppard*, *Richard Stanley*, *Samuel Shore*, *Samuel Shore* the younger, *John Shore*, *John Shore* the younger, *Sydney Shore*, *Edward James Townsend* Clerk, *Jonathan Trebeck* Clerk, *Thomas William Tew*, *Edward Tew*, *Richard Tyas*, *Harry Thompson*, *John Turner*, *William Turner*, *Arthur Charles Verelst* Clerk, *Richard Fountayne Wilson*, *Fountayne John Woodyeare*, *William Wrighton*, *William Bland Wrightson*, *Thomas Walker*, *Samuel Walker*, *Jonathan Walker*, *Henry Walker*, *Joshua Walker*, *Joseph Walker*, *Thomas Walker* the younger, *Edward Walker*, *William Walker*, *John White*, *George Clarke Walker*, *Richard Walker*, *Henry Watkins* Clerk, *Henry Watkins* the younger, Clerk, *John Wainwright*, *William Wasteneys*, *Richard Woodhead*, *John Woodcock*, *George Woodcock*, *Thomas Wright*, *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, widening, altering, repairing, improving, and keeping in repair the said Road, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

VIII. 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 Three 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.

IX. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Star Inn* in *Rawmarsh* aforesaid, or some other convenient Place near to the said Road, upon the

the Second *Thursday* next after the passing 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.

X. 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 first-recited Act, shall hold and enjoy such their several and respective Offices and Employments until 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.

XI. 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 accept both the Offices 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 accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner 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 accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold 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, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove, take down or alter the Situation of all and every or any of the Toll Gates or Turnpikes and Toll Houses, and Weighing Machines, 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 judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each, as they shall think necessary.

Power to take Tolls.

XIII. 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 hereinafter mentioned, or such Sum or Sums, 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 or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Chaise, Curricle, Gig, Chair, Taxed Cart, Car, Caravan, Van, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such 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; except in Cases where any such Cart shall be drawn by One Horse only, in all which Cases the Sum of Sixpence shall be demanded and taken:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such 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; except in Cases where any such Cart shall be drawn by One Horse only, in all which Cases the Sum of Five-pence shall be demanded and taken:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such 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; except in Cases where any such Cart

shall be drawn by One Horse only, in all which Cases the Sum of Four-pence shall be demanded and taken:

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

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:

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:

And in all Cases where there shall be a fractional Part of a Half-penny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

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 which said 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.

Tolls to be paid but Once a Day.

XIV. 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 or Chains, 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 or Chain, and also through such other Toll Gates, Turnpikes, and Side Gates, and Chains (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.)

Horses, &c. drawing Carriages laden with Coal, &c. not to pass oftener than Twice, without paying Toll.

XV. Provided also, 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 or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, laden with Coals, Cokes, or Cinders, through any One of such Toll Gates, Turnpikes, or Side Gates, such Horse or other Beast shall, upon a Ticket denoting such Payment 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 Gate or Gates (if any) as the Ticket for such Payment shall free, Twice only during the same Day, (to be computed as aforesaid,) any thing in this Act contained to the contrary thereof in anywise notwithstanding; but if such Horse or other Beast shall pass through any such Toll Gate, Turnpike, or Side Gate a Third Time on the same Day, (to be computed as aforesaid,) such Horse or other Beast shall again be subject and liable to the aforesaid Tolls, to be paid before the same shall be entitled to pass a Third Time as aforesaid, and so *toties quoties* for every Third Time of passing.

XVI. Pro-

Limiting the Number of Tolls to be taken on the whole Line of Road.

XVI. Provided also, and be it further enacted, That no more than Two full Tolls in the whole shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day, (to be computed as aforesaid,) through all or any of the Toll Gates, Turnpikes, Side Gates, or Chains, along the whole Line of the said Road.

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

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

Post Chaises, &c. on every new Hiring.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and 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.

Exemption from Toll.

XIX. 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, provided that the Fellies of the Wheels of such Waggon, Wain, Cart, or Carriage shall not be of less Breadth than Six Inches.

Application of the Tolls and Money which may be borrowed.

XX. And be it further enacted, That out of the Monies already received by virtue of the said first-recited Act, 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 Road by virtue of the said first-recited Act, 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-recited Act; and lastly, in repaying the Principal Monies to be borrowed on the Credit of this Act.

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

XXI. 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 any Road or Street in any Part of the said Town of *Rotherham*; any thing herein contained to the contrary in anywise notwithstanding.

XXII. And

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

XXII. 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 His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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

1 G. 4. c. 35.

been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 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 to be purchased, taken, or used for the Purposes of the said Road, 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 amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall 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 purchased, taken, or used for the Purposes of the said Road, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, or if Persons cannot be found, the Purchase

XXV. 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, taken, or used for the Purposes 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

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 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; 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 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 therein 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 of *England* as aforesaid.

Money to be paid into the Bank.

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 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act as aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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.

In case of disputed Titles.

XXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation,

Court may order Expences to be paid by Trustees.

Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, 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 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVIII. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Road dry and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Road, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriage-ways or Footways lead into or out of or cross the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when 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 Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Road, shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

Public Act.

XXIX. 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.

XXX. And be it further enacted, That this Act shall commence upon 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 End of the then next Session of Parliament.

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