ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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4 G. 4. c. 95. 5 G. 4. c. 69. His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being, acting for the said County of *Derby*, together with the Honourable *James Abercrombie*, the Reverend *Joseph Ashbridge*, *Richard Arkwright*, *George Adlington*, *Michael Askew*, *William Adlington*, *John Beaumont*, *John Gorell Barnes*, *John Bunting*, *William Batteson*, *Joseph Brown*, *Gilbert Crompton*, *D'Ewes Coke*, *Benjamin Chambers*, *John Chambers*, *Benjamin Chambers* junior, *John Wilkinson Clay*, *William Clay*, *Josiah Claughton*, *John Charge*, *John Cottingham*, *Sampson Clay*, *William Coupe*, *Samuel Dutton*, *Job Denham*, *Vincent Eyre*, *George Fletcher*, *Septimus Fretwell*, *Joseph Gratton*, *Humphrey Goodwin*, *Joseph Gregory*, *James Hunloke*, *Thomas Hallowes*, *Rowland Heathcote Hacker*, *Godfrey Heathcote*, *Richard Roundell Hurwood*, *Robert Hill*, *Richard Hill*, *William Haslam*, *Joshua Jebb*, *John Jepson*, *William Jepson*, *Bernard Lucas*, *Edward Lowe*, *William Palmer Morewood*, *Edmund Gilling Maynard*, *William Milnes*, *Robert Malkin*, *John Mellors*, *Thomas Oldham*, *John Oldham*, *John Parker*, *James Robinson*, *Thomas Radford*, *Joseph Riggott*, *Charles Rowland*, *John Rodgers*, *Edward Sacheverell Sitwell*, *Adam Barker Slater*, *John Robert Sharpe*, *William Siddon*, *John Swift*, *Stephen Sampson* senior, *Stephen Sampson* junior, *Luke Sampson*, *Edward Sampson*, *William Sampson*, *John Sampson*, the Reverend *William Turbutt*, *Watton Byrchinshaw Thomas*, *Joshua Thornally*, *Abraham Tagg*, *John Slater Wilkinson*, *William Waller*, *Thomas Wilson*, *Richard Wilson*, *William Wass*, and *Roger Wall*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, diverting, improving, and maintaining in repair the said Road, and for otherwise putting this Act into Execution.

Trustees appointed.

Powers of recited Acts extended to this Act.

II. 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 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.

Power to appoint additional Trustees.

III. 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 as directed by the said recited Acts of 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.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their first Meeting at the House of Mr. *Sampson Clay*, known by the Sign of the *Shoulder of Mutton*, in the Parish of *Ault Hucknall*, or at some other convenient Place in the Neighbourhood of the said Road, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees 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.

Clerk not to act as Treasurer, and vice versâ.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person 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 appoint the Person 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

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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.

Trustees may erect Toll Gates, Weighing Machines, &c.

VI. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road or any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, 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.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Side Gates or Side Bars or Chains, or Toll Houses, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, 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 each and every Horse or other Beast drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Calash, Hearse, Stage Coach, Diligence, Van, Caravan, Chaise, Chair, Gig, or other such like Carriage, any Sum not exceeding Sixpence:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Six Inches or upwards, any Sum not exceeding Sixpence:

For each and every Horse or other Beast drawing any Cart upon Two Wheels, the Fellies of which are of the Breadth of Four and a Half Inches or upwards, if any such Cart shall be drawn by more than One Horse or other Beast, any Sum not exceeding Sixpence; and if any such Cart shall be drawn by only One Horse or other Beast, any Sum not exceeding Four-pence:

For each and every Horse or other Beast drawing any Waggon, Cart, Wain, or other such like Carriage upon Two or more Wheels, the Fellies of which are of less Breadth than Four and a Half Inches, any Sum not exceeding One Shilling:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny:

For

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 less Number: And,

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

Which said respective Sums of Money or Tolls 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, which shall be erected or placed by virtue of this Act in, upon, or across the said Road or any Part thereof, or on the Sides thereof; 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.

No more than One full Toll to be taken in One Day.

VIII. Provided always, and be it further enacted, That no more than One full Toll in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) shall be demanded or taken for or in respect of the same Horse or Horses, or other Beast or Beasts or Cattle, drawing the same Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, or for or in respect of the same Horse, Mule, Ass, or other Beast or Cattle, laden or unladen, and not drawing, or for or in respect of the same Oxen or Ox, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing and repassing through all or any of the Gates along the Line of the said Road, except as herein-after mentioned.

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

IX. 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, Stage Waggon, or other Stage Carriage, or any Cart, 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. on every new Hiring.

X. 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.

Exemptions from Toll.

XI. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, to be erected upon, across, or by the Sides of the said Road, for any Horse, Beast, or other Cattle or Carriage used or 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 Dung, Soil, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll House or Toll Gate to be

Penalty on fraudulently claiming Benefit of Exemptions.

erected on the said Road under this Act; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; and such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same,) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll, or other Exemption on any Turnpike Road, may by Law be levied or recovered; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Subscribers to pay their Subscriptions.

XII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for or towards the repairing or improving or making Turnpike the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as is or are expressed in the Writing subscribed by them or on their Behalf, or as the said Trustees shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as hereinafter mentioned.

Application of the Tolls and Money to be borrowed.

XIII. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for repairing or improving or making Turnpike the said Road, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies so subscribed or to be subscribed or advanced, and all Monies which shall be borrowed on the Credit of this Act, and all Monies to arise by Receipt of the Tolls granted by this Act or otherwise, shall be applied in defraying the Expences of making, amending, widening, diverting, and improving the said Road, and purchasing Lands and Hereditaments and Materials for the Purpose, and of erecting, making, or providing and keeping in repair Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, and Toll Houses, with Outhouses and Conveniences thereto, and of making, erecting, or providing Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other requisite Matters and Things, and of carrying the

Purposes of this Act into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies shall from Time to Time be applied in keeping down, in the first place, the Interest of the Monies subscribed or advanced or to be subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in the next place in amending and keeping in repair the said Road, and the Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, and other Matters and Things thereon, and lastly in repaying the Principal Money subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act, or on the Credit thereof.

Road may be made or altered.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make, widen, and divert the said Road, upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Sixty Feet, together with such Paths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road, as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Map or Plan to remain with the Clerk of the Peace, and be open to Inspection.

XV. And whereas a Map or Plan, describing the Line of the said Road, and the Lands, Hereditaments, and Premises through or over which the Diversions or Alterations of the same are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers, or reputed Owners and Occupiers, of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words

Trustees not to deviate more than 100 Yards.

Words of such Copies or Extracts; and the said Trustees, in making the said Diversions or Alterations, shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

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

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road or Diversions or Alterations into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners, or reputed Owner or Owners, of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands, Hereditaments, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, or omitted or mis-stated in the said Map or Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent.

XVII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

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

XVIII. 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

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

1 G. 4. c. 35.

XIX. 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

Where less than 200*l.* and amounting to 20*l.*

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*.

XX. 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, &c., the Purchase Money to be paid into the Bank.

XXI. 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 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, Control, 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.

In case of disputed Titles.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, 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 shewn 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.

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

XXIII. 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, 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.

XXIV. And

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

XXIV. 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 Carriageways 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.

XXV. 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.

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

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