ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. II.

An Act to alter and amend Two Acts, paſſed in the Nineteenth and Thirty-fifth Years of His preſent Majeſty, for repairing the Roads from *Wigan* to *Preſton*, in the County Palatine of *Lancaſter*.

[3d *May* 1804.]

WHEREAS an Act was made in the Nineteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing, widening, and amending the Roads from* Wigan *to* Preſton, *in the County Palatine of* Lancaſter; *and for repealing ſeveral Acts, made in the Thirteenth Year of King* George *the Firſt, and the Fourth and Twenty-third Years of His late Majeſty, relating to the ſaid Roads:* 19 G. 3.
And whereas another Act was made in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing the Term, and altering and enlarging the Powers of an Act of the Nineteenth Year of His preſent Majeſty, for more effectually repairing, widening, and amending the Roads from* Wigan *to* Preſton, *in the County Palatine of* Lancaſter: 35 G. 3.
And whereas the Truſtees appointed in or by virtue of the ſaid Acts, have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral Sums of Money on the Credit of the Tolls thereby granted, which cannot be paid off, nor the ſaid Roads effectually amended and kept in Repair, unleſs the ſaid Acts are altered and amended, and the Tolls increaſed: 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 *John Acton* the younger, *Robert Alder-say* of *Wigan*, *James Brown* of *Wigan*, the Reverend *John Braithwaite* of *Upholland*, *Thomas Ball* of *Wigan*, *Henry Bankes* of *Wigan*, *James Bolton* of *Wigan*, Butcher, *James Bolton* of *Wigan*, *Thomas Blinkham*, *Robert Bullock* of *Wigan*, *Richard Wilbraham Bootle*, *James Birch*, *George Barton* of *Haigh*, *William Barrow* of *Wigan*, *Meyrick Holme Banks*, *Peter Brown* of *Worthington*, *Roger Bolton* of *Wigan*, *Geoffrey Burchell* of *Aspull*, *Robert Banks* of *Holme-House*, *Samuel Biggins* of *Haigh*, ——— *Cockran* of *Hyton*, *Elias Chadwick* the younger, *Strethill Chadwick*, *Thomas Chadwick*, *James Cardwell*, *William Cannee* of *Wigan*, ——— *Ellam* of *Standish*, *William Eccles* of *Wigan*, —— *Fisher* of *Wigan*, *William Farrington* of *Shaw Hall*, *Richard Fairbrother* of *Wigan*, *Richard Fisher German*, *Thomas Gaskell*, *William Gaskell*, *John Greenhough* of *Haigh*, the Reverend *Page Godfrey*, *John Halliburton*, *Henry Blundell Hollinshead*, *William Hilton* of *Wigan*, *William Hill* of *Blythe Hall*, ——— *Hart* of *Haigh*, *William Hart* of *Ince*, *John Hegs* of *Aspull*, *John Hawarden* of *Wigan*, *John Hubbert* of *Blackrod*, *James Hawarden*, *Timothy Lee Hargreaves*, *Peter Hopwood* of *Wigan*, *John Johnson* of *Arley*, ——— *Jones* of *Parkhall*, *John Jones* of *Haigh*, *Edward Kearsley* the younger of *Hutton*, *Edward Newman Kershay*, *J. H. Kearsley*, *Edward Kearsley* of *Hutton*, *James Kearsley* the younger of *Hutton*, *Josiah Kearsley* of *Hutton*, Lord *Lindsay*, *Jeffrey Langshaw*, *Henry Lomax* of *Wigan*, *Alexander Holt Leigh*, *Roger Holt Leigh*, *Thomas Lyon*, *George Lyon*, *William Lyon* of *Wigan*, *James Leigh* of *Barkhill*, *John Lee*, *George Lee* of *Blackrod*, the Honourable *Charles Lindsay*, *John Leversage*, *Richard Percival Moulson*, *Thomas Moore* of *Wigan*, the Reverend *Strensham Masters*, *Lawrence Marsden*, *Thomas Marsden*, *Thomas Newsham* of *Wigan*, *John Penson* of *Wigan*, *Thomas Prescott* of *Wigan*, *Henry Peet* of *Wigan*, *Isaac Pennington* of *Blackrod*, *Thomas Ridgeway* the elder of *Horwich*, *Thomas Ridgeway* the younger of *Horwich*, *Joseph Ridgeway* of *Horwich*, *W. Robinson* of *Upholland*, *W. Roper* of *Wigan*, *Thomas Radcliffe* of *Haigh*, *Nehemiah Roby* of *Wigan*, *William Rogers* of *Aspull*, *Thomas Stanley*, *Samuel Singleton*, *John Stopforth* the younger, *James Scott*, *John Swan*, *Oskell Sumner*, ——— *Strickland* of *Sizer*, *Richard Tyrer* of *Blackrod*, *Richard Topping*, *James Taylor* of *Wigan*, *James Tennant* of *Wigan*, *Samuel Walker* of *Aspull*, *William Wright* of *Wigan*, *John Ward* of *Wigan*, *John Walmesley* of *Wigan*, *John Walmesley* the younger of *Wigan*, and *Charles Walmesley* of *Westwood*, shall be, and they are hereby added to and joined with the Committee of Trustees, appointed in or by virtue of the said last-recited Act, for managing such Parts of the said Roads as lie between the Toll Bars in or near the *Standish Gate Street*, in the Town of *Wigan* and *Yarrow Bridge*, which divides the Townships of *Duxbury* and *Chorley*, and also between the *Boar's Head* in *Langtree* and *Pincock Bridge*, in the Township of *Charnock Richard*: And that

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David Ainsworth of *Preston*, *Miles Ainscough* of *Clayton*, *James Ainscough* of *Clayton*, *John Ainscough* of *Clayton*, *William Ainsworth* of *Brindle*, *John Butler*, *James Blanchard* of *Preston*, *Edward Wilbraham Bootle*, *John Boardman*, *William Banks*, *Thomas Banks*, *William Bashall*, *William Brade* the younger, *Thomas Brade*, *Thomas Barton*, *Robert Banks*, *Richard Banks*, *Thomas Burgess*, *William Blackledge*, *Edward Clayton*, *George Clayton* the younger, *Thomas Clayton*, *Christopher Clayton*, *John Clayton*, *William Clayton*, the Reverend *George Clarkson*, *James Carr*, *Paul Catterall*, *John Dalton* the younger,

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Tolls repealed, and others granted.

II. And whereas the Tolls granted by the ſaid recited Acts are inſufficient for the Purpoſe of maintaining and ſupporting the ſaid Roads, be it therefore enacted, That, from and after the Firſt Day of *May* One thouſand eight hundred and four, the ſaid Tolls ſhall be and are hereby repealed; and that inſtead thereof, there ſhall be demanded and taken at every Gate or Turnpike now erected or to be erected on the ſaid Roads, or any or either of them, before any Carriage or Cattle whatſoever ſhall be permitted to paſs through the ſame, ſuch Tolls as the ſaid reſpective Committees ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums of Money herein-after mentioned; (that is to ſay),

For every Coach, Berlin, Landau, Chariot, Chaiſe, Phaeton, Calaſh, Curricle, Caravan, Hearſe, Litter, or other ſuch Carriage, drawn by Six Horſes or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling:

For every Chaiſe or Chair, or other ſuch Carriage, with Two Wheels, drawn by Two Horſes or other Beaſts of Draught, the Sum of Ninepence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence:

For every laden Waggon, or other ſuch like Carriage, with Four Wheels, and having the Sole or Tire of the Wheels of leſs Breadth or Gauge than Six Inches, drawn by Four Horſes or other Beaſts of Draught, the Sum of Five Shillings; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence:

For every unladen Waggon, or other ſuch like Carriage as laſt aforeſaid, drawn by any Number of Horſes or other Beaſts of Draught, the Sum of One Shilling:

For every laden Waggon, or other ſuch like Carriage, with Four Wheels, and having the Sole or Tire of the Wheels of the Breadth or Gauge of Six Inches, and leſs than Nine Inches, drawn by Six Horſes or other

other Beasts of Draught, the Sum of Four Shillings; and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Four or any less Number of Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence:

For every unladen Waggon, or other such like Carriage as last aforesaid, drawn by any Number of Horses or other Beasts of Draught, the Sum of One Shilling:

For every Waggon, or other such like Carriage, with Four Wheels, and having the Sole or Tire of the Wheels of the Breadth of Nine Inches, and less than Sixteen Inches, drawn by Eight Horses or other Beasts of Draught, the Sum of Four Shillings; and drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of Two Shillings:

For every laden Wain, Cart, or other such like Carriage, with Two Wheels, having the Sole or Tire of the Wheels of less Breadth or Gauge than Six Inches, and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every unladen Wain, Cart, or other such like Carriage as last aforesaid, drawn by Three Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For every Horse or other Beast of Draught, drawing any laden Wain, Cart, or other such like Carriage, having the Sole or Tire of the Wheels of the Breadth or Gauge of Six Inches and less than Nine Inches, the Sum of Four-pence; and if unladen, the Sum of Two-pence:

For every Horse or other Beast of Draught drawing any laden Wain, Cart, or other such like Carriage, having the Sole or Tire of the Wheels of the Breadth or Gauge of Nine Inches, and less than Sixteen Inches, the Sum of Three-pence; and if unladen, the Sum of One Penny Halfpenny:

For every Wain, Cart, or other such like Carriage with Two Wheels, and the Sole or Tire of the Wheels rolling a Surface of Sixteen Inches, drawn by any Number of Horses or other Beasts of Draught, the Sum of Three-pence:

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

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

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

Which said respective Tolls shall be and are hereby declared to be vested in the Trustees for executing the said recited Acts and this Act, and they, or any Seven or more of them, or the said respective Committees, or any Five or more of them, shall have such and the same Powers, Authorities,

thorities, and Remedies for mortgaging, transferring, leasing, and compounding for the Tolls hereby granted or made payable; and the same shall and may be collected, levied, recovered, paid, and applied in the same Manner, and subject to the same Regulations, as in and by the said recited Acts, or either of them, are given and expressed with respect to the Tolls thereby granted or made payable.

General Exemptions.

III. And be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Sullage, Compost, or Manures, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act: Provided always, that nothing herein contained shall extend or be construed to extend to repeal any Exemptions from or Abatements of Toll granted by the said recited Acts or either of them, except as herein specially directed.

Exemption for Iron Stone passing to *Haigh* Iron Works.

IV. And be it further enacted, That all Waggons, Carts, and Carriages, carrying or conveying Iron Stone from any Lands laying near the ſaid Roads, and paſſing through the Turnpike Gate in *Wigan Lane* to *Haigh* Iron Works, ſhall be only charged with Half the Tolls payable by virtue of this Act, on Waggons, Carts, and Carriages.

Truſtees may erect additional Turnpikes.

V. And whereas the ſaid Truſtees are by the ſaid Acts reſtrained as to the Number and Situation of the Turnpike Gates to be erected on the ſaid Roads, and it is proper that the ſaid Truſtees ſhould be empowered to erect other Gates or Turnpikes upon the ſaid Roads, or acroſs any Road leading into the ſame; be it therefore enacted, That, from and after the Firſt Day of *May* One thouſand eight hundred and four, the Committee for the Care of the *Preſton* Roads ſhall be, and are hereby authorized and empowered to cauſe a Gate or Turnpike to be erected in, upon, or acroſs the ſaid Roads, within One hundred Yards of the Lane leading from the ſaid Roads to the Town of *Brindle*, and alſo a Side Gate or Turnpike at the End of the ſaid Lane; and alſo another Gate in, upon, or acroſs the ſaid Roads at ſuch Place betwixt the Fifth and Sixth Mile Stones between *Pincock Bridge* and *Preſton*, as the ſaid Committee ſhall think proper, and to cauſe a Toll Houſe to be erected adjoining to each ſuch Gate or Turnpike; and to incloſe ſuch Part of the ſaid Roads, or of any Waſte Land adjoining thereto, as they ſhall think proper, not exceeding Half an Acre, to be uſed as a Garden to every ſuch Toll Houſe; and the Tolls hereby granted ſhall and may be collected, levied, and recovered at every Gate or Turnpike ſo to be erected as aforeſaid, before any Horſe, Cattle, or Carriage ſhall be permitted to paſs through the ſame, under and ſubject to the like Rules, Regulations, and Proviſions as the Tolls payable at any Gate or Turnpike already erected on the ſaid Roads, can or may be collected, levied, and recovered, and ſhall be applied and diſpoſed of in ſuch and the like Manner as is directed by the ſaid Act, paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty, with reſpect to the Tolls payable on the ſaid Roads.

Reſtraining the Payment of Tolls at certain Gates.

VI. Provided always, and be it enacted, That all Horſes, Cattle, and Carriages, for which the Tolls hereby granted ſhall have been paid either at the Gate or Turnpike at *Walton*, or at the Gate or Turnpike at *Hartford Green*, ſhall on the ſame Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), be permitted to paſs and return any Time or Times through the Gate or Turnpike to be erected acroſs the ſaid Roads within One hundred Yards of the Lane leading to the Town of *Brindle*, or through the aforeſaid Side Gate or Turnpike, without being ſubject to the Payment of any other or further Toll; and that all Horſes, Cattle, and Carriages, for which the Tolls hereby granted ſhall have been paid at either of the Two laſt mentioned Gates or Turnpikes, ſhall on the ſame Day (to be computed as aforeſaid), be permitted to paſs and return any Time or Times through either of the Gates or Turnpikes at *Walton* or *Hartford Green*, without being ſubject to the Payment of any other or further Toll.

VII. Provided alſo, that all Horſes, Cattle, and Carriages for which the Tolls hereby granted ſhall have been paid either at the Gate or Turnpike at *Pincock Bridge*, or at the Gate or Turnpike at *Walton*, ſhall on the ſame Day (to be computed as aforeſaid), be permitted to paſs and return any Time or Times through the Gate or Turnpike to be erected between the

the Fifth and Sixth Mile Stones on the Road between *Pincock Bridge* and *Preſton*, without being ſubject to the Payment of any other or further Toll; and that all Horſes, Cattle, and Carriages for which the Tolls hereby granted ſhall have been paid at the laſt mentioned Gate or Turnpike, ſhall on the ſame Day (to be computed as aforeſaid), be permitted to paſs and return any Time or Times through either of the ſaid Gates or Turnpikes at *Pincock Bridge* or *Walton*, without being ſubject to the Payment of any other or further Toll; the ſeveral Perſons who ſhall have paid the Tolls at ſuch reſpective Gates or Turnpikes producing Tickets to denote the Payment thereof, (which Tickets the reſpective Collectors are hereby required to give *gratis* on Receipt of the Tolls).

Laden Carriages to be charged each Time they paſs in the ſame Direction.

VIII. And be it further enacted, That every Stage Coach or other Carriage travelling for Hire, and every Waggon, Wain, or Cart being reſpectively laden, ſhall be charged with the Tolls hereby granted for each Time they ſhall paſs in the ſame Direction in the Courſe of any One Day, (to be computed as aforeſaid), through any Gate or Turnpike erected or to be erected on the ſaid Roads (except as herein-before excepted).

Regulating Toll on Carriages rolling Two or more Surfaces.

IX. And be it further enacted, That all Waggons or other Four-wheeled Carriages, the Wheels or Axletrees whereof ſhall be ſo conſtructed as to be capable of rolling Two or more Surfaces, ſhall be charged with Toll and permitted to carry Weight according to the Breadth of the flat Surface of the Fellies of the narroweſt of the Wheels thereof; and all Waggons or other Four-wheeled Carriages which ſhall have the Fellies of the Wheels thereof of different Breadths, ſhall be liable to pay Toll, and have Allowance of Weight according to the Breadth of the narroweſt of the Wheels of any ſuch Waggon or Four-wheeled Carriage.

Providing a Fund for diverting the Road.

X. And whereas by the ſaid laſt recited Act it is among other Things enacted, that One Third Part of the Tolls to be collected on the ſaid Roads ſhould be applied by the Truſtees at large in ſuch Manner as therein is mentioned: And whereas it would be attended with great Benefit and Advantage to all Perſons reſiding near and travelling the ſaid Roads, if a Fund was provided for enabling the Truſtees at large to divert, turn, and improve the ſaid Roads; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees at large, or any Five or more of them, and they are hereby authorized and required, yearly and every Year, to ſet apart and appropriate the Sum of Six hundred Pounds out of the One Third Part of the Tolls hereby granted, in Preference to all other Payments whatſoever, until the ſame ſhall amount to the Sum of Four thouſand two hundred Pounds; One Half of which ſhall be applied in diverting, turning, or improving the Roads in the *Preſton* Diſtrict, and the other Half in diverting, turning, or improving the Roads in the *Wigan* Diſtrict, in ſuch Manner as the ſaid Committees reſpectively, or any Five or more of them, ſhall order and direct: Provided always, that it ſhall and may be lawful to and for the ſaid Committees reſpectively, to borrow any Sum or Sums of Money on the Credit of the ſaid Fund, and pay the Intereſt thereof out of the Share of the Tolls applicable to the Repair of the Roads within the ſaid Diſtricts reſpectively.

For preſerving Footpaths.

XI. And be it further enacted, That the ſaid Committees of Truſtees may order the Footpaths upon the Sides of the ſaid Roads, or any Part thereof,

thereof, to be from Time to Time ſupported and kept in Repair, and others to be made and maintained where neceſſary and proper; and if any Perſon or Perſons ſhall ride or drive any Horſe, Cattle, or Carriage upon the ſaid Footpaths, every Perſon or Perſons ſhall, for ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings nor leſs than Ten Shillings, to be recovered and applied in the ſame Manner as the Penalties impoſed by the ſaid recited Acts are directed to be recovered and applied; any Thing in the ſaid recited Acts to the contrary thereof in anywiſe notwithſtanding.

Application of Compenſation where exceeding 200*l.*

XII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any other Diſability or Incapacity as in the ſaid recited Acts particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Parts thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands 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 or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

XIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation,

ration, 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 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 or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands), be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid (at the like Option), to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

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

XV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act or the ſaid recited Acts, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money, ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them); ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution

ſubject to the Order of the Court of Chancery, on Motion or Petition.

tribution 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 such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, *etc.* at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XVI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, 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 Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession; and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XVII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and 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 or the said Acts, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying the Expences of this Act.

XVIII. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act, shall be defrayed out of any Money already collected or received by virtue of the said former Acts or either of them, or out of the First Monies to be raised by virtue of the said former Acts and this Act, in Preference to all other Payments whatsoever.

XIX And.

XIX. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a publick Act; and as such be judicially taken Notice of by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1804.