ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxxxvii.

An Act for more effectually repairing and improving the Road from *Wilmslow Bridge* in the County of *Chester*, through *Nether Alderley* and *Congleton*, to or near the *Red Bull* in *Church Lawton* in the said County. [28th *May* 1824.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Wilmslow Bridge *in* Wilmslow *in the County of* Chester, *through* Nether Alderley *and the Town of* Congleton, *to or near the* Red Bull *in* Church Lawton *in the said County*: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the Road from* Wilmslow Bridge *in* Wilmslow *in the County of* Chester, *through* Nether Alderley *and the Town of* Congleton, *to or near the* Red Bull *in* Church Lawton *in the said County*: And whereas considerable Sums of Money have been borrowed and still remain due on the Credit of the Tolls granted by the said Acts, which cannot be repaid, nor can the said Road be properly amended, improved, and kept in repair, unless adequate Tolls and Powers be granted for a further Term: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general* 21 G. 3. c. 82. 42 G. 3. c. 12. 3 G. 4. c. 126.

Laws now in being for regulating Turnpike Roads in that Part of Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act, passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: 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 after the passing of this Act, the said recited Acts passed in the Twenty-first and Forty-second Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby repealed, and that this Act shall from thenceforth commence and take effect, and be put in Execution for and during the Term herein-after mentioned.

4 G. 4. c. 95.

Recited Acts of 21 and 42 G. 3. repealed, and this Act to take effect.

Powers of recited Acts 3 and 4 G. 4. 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, or 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), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to former Debts, &c.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Acts of the Twenty-first and Forty-second Years of the Reign of His late Majesty King *George* the Third, or either of them, to be taken at the several Turnpikes, Toll Gates, and Side Gates erected upon, across, or by the Sides of any Part of 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 or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, shall be liable to the Payment thereof to the Trustees for executing this Act; and that all Bonds, Covenants, and Agreements, Contracts and Securities entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account

and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees or their Clerk or Treasurer, or other Persons or Person on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, the Repeal of the said recited Acts or any Law to the contrary notwithstanding.

Appointment of Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Chester*, the Right Honourable *George Harry Grey* commonly called Lord *Grey*, Sir *John Grey Egerton* Baronet, Sir *John Thomas Stanley* Baronet, Sir *John Fleming Leicester* Baronet, Sir *Henry Mainwaring Mainwaring* Baronet, Sir *Edmund Antrobus* Baronet, *George Ackers*, *Edmund Antrobus*, *Gibbs Crawford Antrobus*, *Samuel Barber*, *Charles Barlow*, *John Barlow*, *Thomas Bayley*, *Isaac Bell* Clerk, *Samuel Blackshaw*, *John Bower*, *Thomas Bowers*, *Charles Bracebridge*, *John Broadhurst*, *Jonathan Broadhurst*, *Walter Davenport Bromley* Clerk, *John Browne* Clerk, *Joseph Buckworth*, *William Bull*, *Thomas Chaddock*, *Rowland Cockson*, *Joseph Cooke* Clerk, *William Charles Cox*, *Offley Crewe* Clerk, *William Cruttenden Cruttenden* Clerk, *Davies Davenport*, *Edward Davies Davenport*, *Henry William Davenport*, *John Smith Daintry*, *John Daintry*, *John Darcey* Clerk, *David Davies* Doctor in Divinity, *John Dale*, *John Dewar*, *Launcelot Dixon* Clerk, *John Downes*, *Jesse Drakeford*, *Wilbraham Egerton*, *William Egerton*, *Isaac Faulkner*, *Peter Davenport Finney*, *Jonathan Finney*, *John Ford*, *John Galley*, *Thomas Garside*, *Charles Gent*, *John Baskervile Glegg*, *Joseph Gleave*, *Samuel Gregg*, *Robert Gregg*, *John Gregg*, *Thomas Bayley Hall*, *Philip Hall*, *John Hall*, *Thomas Hall*, *John Haworth*, *John Heptinstall* Clerk, *Robert Hibbert*, *Thomas Hibbert*, *Robert Hibbert* junior, *William Hibbert*, *John Hibbert*, *Charles Bishope Hodges* Clerk, *John Holland*, *Peter Holland*, *John Hollins*, *William Hollins*, *John Jackson*, *Charles Jefferis*, *Francis Joddrell*, *Francis Joddrell* junior, *Edmund Joddrell*, *Croxton Johnson*, *Bertie Johnson* Clerk, *George Johnson*, *John Johnson*, *Joseph Johnson*, *Richard Keymer*, *Charles Bourne Lawton*, *John Lawton* Clerk, *John Legh*, *Peter Legh*, *Egerton Leigh*, *Egerton Leigh* junior, *Peter Leigh* Clerk, *Oswald Leycester* Clerk, *Ralph Leycester*, *George Leycester*, *Charles Low*, *Richard Low*, *John Lowndes*, *William Lowndes* of *Odd Rode*, *William Lowndes* of *West Lane Congleton*, *William Lowndes* of *Lawton Street Congleton*, *John Lockett*, *Harry Mainwaring*, *William Malbon*, *John Holdsworth Mallory* Clerk, *Thomas Mawdesley* Clerk, *Christopher Moorhouse*, *John Morris* of *Lawton*, *Charles Mytton* Clerk, *Charles Mytton* junior, *John Mytton*, *Francis Newbold*, *Francis Newbold* Clerk, *Thomas Parker*, *Nathaniel Maxey Pattison*, *James Pattison*, *James Pattison* junior, *Charles Pedley*, *William Pedley*, *William Penlington*, *George Pownall* Clerk, *George Reade*, *William Smith Reade*, *John Fielder Reade*, *John Ryle*, *Richard Lowndes Salmon* Clerk, *Charles Watkin John Shakerley*, *Charles Peter Shakerley*, *Geoffry Shakerley*, *John Skerratt*, *Edward Smyth*, *Edward Stanley* Clerk, *Edward John Stanley*, *William Owen Stanley*, *Philip Swanwick*, *Clement Swetenham*, *Thomas Swettenham*, *Edward Stracey*, *Robert Timmis*, *Thomas Tipping*, *Charles Tryon*, *Thomas Joseph Trafford*, *John Matthias Turner* Clerk, *James Twemlow*, *James Washington*, *Holland Watson*, *Hewet Watson*, *Lancaster Wetenhall* Clerk, *William Whittaker*, *Samuel Williamson* Clerk, *Randle Wilbraham*,

Wilbraham, *Randle Wilbraham* junior, *Edward Wilson* Clerk, *George Wilkinson*, *Charles Wood*, *James Mills Woolfenden*, and *Lawrence Wright*, and their Successors, being duly qualified according to the Provisions of the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, altering, and otherwise improving and keeping in repair the Road leading from the South End of *Wilmslow Bridge* in the Parish of *Wilmslow*, through *Nether Alderley*, *Capesthorne*, *Siddington*, *Marton*, *Hulme Walfield*, *Eaton*, the Town of *Congleton*, *Astbury*, *Moreton*, and *Odd Rode*, to or near the House known by the Name or Sign of the *Red Bull* in *Church Lawton* in the said County of *Chester*, and for carrying into Execution the several other Powers, Purposes, and Trusts of this Act.

Power to appoint additional Trustees.

V. 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 be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Persons so elected and appointed (being duly qualified according to the Provisions or Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His said present Majesty) shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed Trustees in and by this Act.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their first Meeting at the *Eagle and Child* Inn in *Nether Alderley*, or some other convenient Place on the Line of the said Road, on the Twenty-first Day of *July* 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.

Books, &c. under former Acts to be delivered to the Trustees under this Act.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act are by the said last recited Act of the Fourth Year of His present Majesty required to pay or account for the same.

Books kept under the former Acts to be Evidence.

VIII. And be it further enacted, That all Books kept for registering Mortgages and Assignments and other Securities, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees for executing the said Two first recited Acts, and made Evidence thereby, or by any public Act heretofore in force, shall and may be given in Evidence

Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first recited Acts had not been repealed.

Former Officers to continue.

IX. Provided always, and be it further enacted, That the Treasurer (if appointed consistently with the Provisions of the said recited Acts of the Third and Fourth Years of His present Majesty, and not contrary to the Provisions of this Act), and the Clerk, Surveyors, and all other Officers who have been appointed under and are now employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purpose of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks 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 or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Toll Gates may be continued, or new ones erected.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to continue or remove all or any of the Toll Gates and Toll Houses now standing and being in and upon or across the said Road, or on the Sides thereof, and to erect, set up, or build, or cause to be erected, set up, and built, in, upon, or across the said Road or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same, such and so many Toll Gates, Turnpikes, Side Bars, Chains, and Weighing Machines, with Toll Houses, Outbuildings, Lamps, and other

Conveniences thereto, and also to take in and inclose on the Sides of the said Road or any Parts thereof convenient Garden Spots for each of the said Toll Houses (not exceeding One-eighth Part of a Statute Acre to each Toll House), as the said Trustees shall direct or appoint, and also shall and may from Time to Time remove, alter, or discontinue the same, or any of them, as they the said Trustees shall think expedient.

Tolls to be taken.

XII. And be it further enacted, That the Tolls following shall and may be demanded and taken by the said Trustees, or any Person or Persons by them authorized, at each and every of the Turnpikes or Toll Gates to be continued or erected by virtue of this Act, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same; that is to say,

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Curricle, Hearse, Calash, Gig, Chaise Marine, or such like Carriage, the Sum of Three-pence:

For every Horse or other Beast (not exceeding Six) drawing any Waggon, Wain, Cart, or other such like Carriage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of Three-pence; and if exceeding Six Horses, each Horse Sixpence:

For every Horse or other Beast (not exceeding Six), drawing any Waggon, Wain, Cart, or other such like Carriage, having the Soles of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, the Sum of Sixpence Three Farthings; and if exceeding Six Horses, each Horse Nine-pence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be applied and disposed of in manner herein-after mentioned.

Number of Tolls limited.

XIII. Provided always, and be it further enacted, That no more than Two full Tolls in the whole shall be demanded or taken from any Person or Persons for passing the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, with the same respective Horses, Beasts, or Cattle, through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act; nor shall full Toll be demanded or taken at any such Toll Gates or Turnpikes more than Once from any Person or Persons passing the same Day with the same Horses, Beasts or Cattle, for a less Distance than Ten Miles on the said Road.

XIV. And whereas by an Act passed in the Thirty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for widening, improving, and keeping in repair the Road leading from* Macclesfield *by* Broken Cross *to* Congleton, *all in the County Palatine of* Chester,

36 G. 3. c. 148.

Chester, which Act was renewed and continued by another Act passed in the Fifty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue and amend an Act passed in the Thirty-sixth Year of the Reign of His present Majesty, for altering the Road from* Macclesfield *to* Congleton *in the County of* Chester, a reduced Toll was directed to be taken for all Horses and other Beasts travelling along the Road to be maintained by virtue of this Act, from or to the said *Macclesfield* Turnpike Road: And whereas it is expedient that a reduced Toll should be continued to be taken for or in respect of all Horses or other Beasts passing from the said *Macclesfield* Turnpike Road into the said Road to be maintained by virtue of this Act; be it therefore enacted, That, notwithstanding any thing in the said last mentioned Acts or either of them to the contrary, no more than the following Tolls shall be demanded or taken at any Toll Gate to be continued or erected between the said Turnpike Road leading from *Macclesfield* to *Congleton* aforesaid, and the *Dane Bridge* in *Congleton*, for or in respect of any Horse or other Beast passing from the said *Macclesfield* Turnpike Road into and along the Road to be maintained by virtue of this Act, on a Ticket being produced denoting the Payment of Toll in respect of such Horse or other Beast on the same Day at some Turnpike or Toll Gate on the said *Macclesfield* Road; that is to say,

57 G. 3. c. 75.

The following Tolls only to be taken between Macclesfield and Congleton.

Tolls.

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Curricle, Hearse, Calash, Gig, or such like Carriage, the Sum of One Penny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or such like Carriage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of One Penny Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Soles of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, the Sum of Two-pence:

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:

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be applied and disposed of in the same Manner as the other Tolls to be received by virtue of this Act are herein-after directed to be paid and applied.

Toll paid between Macclesfield Road and Congleton to go in part Payment of Toll payable beyond Congleton.

XV. Provided also, and be it further enacted, That when and so often as any such Horse or other Beast as last mentioned shall pass or travel through any Turnpike or Toll Gate already erected or to be erected by virtue of this Act Westward of the said Town of *Congleton*, the full Toll according to the Table of Tolls firstly herein-before contained shall be paid, but the Toll paid at any Toll Gate between the said *Macclesfield* Road and the *Dane Bridge* in *Congleton* shall be taken as in part Payment

ment thereof, on the Production of a Ticket denoting the Payment of such Toll on the same Day for such Horse or other Beast.

Tolls to be paid but Once a Day at the same Gate.

XVI. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in any one Day, such Day to be computed as aforesaid, for passing and repassing with the same respective Horses, Beasts, or Cattle through the same Turnpike (except as herein-after mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on the Payment of the Toll.

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

XVII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Road to be maintained by virtue of this Act, and also for and in respect of all Horses or Beasts of Draught let out for Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Road, as often as a new Hiring thereof shall be made.

A Half Toll to be paid for Carts, after passing and repassing.

XVIII. Provided also, and be it further enacted, That for every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, laden, which shall have passed and repassed any Day through any Turnpike or Toll Gate to be continued or erected upon the said Road comprized in this Act, and which shall again pass through any such Turnpike or Toll Gate on the same Day with a fresh Load, One Half Toll shall be paid for such subsequent Passage, and so from Time to Time after again repassing, as often as the Case shall happen.

Power to continue Waggs Lane stopped up.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees either to continue and maintain the Fences or Barriers which by the said recited Act, passed in the Twenty-first Year of the Reign of His said late Majesty, the Trustees under the said Act were empowered to make across a certain Lane or Bridle Road in *Congleton* aforesaid called *Waggs Lane*, in order that the Tolls and Duties thereby granted and to be collected at the West End of the said Town might not be avoided, so that the Payment of the Tolls hereby made payable and to be there collected may not be avoided, or, (if they shall deem it expedient), to remove such Fences and open the said Lane, and to place a Side Gate or Side Gates at the Ends thereof, so as to prevent any Evasion of Tolls by Persons passing along the same to or from the said Turnpike Road.

Application of Tolls and Money borrowed.

XX. And be it further enacted, That the Monies already received by virtue of the Two first recited Acts, and the Monies which shall be raised or received by virtue of this Act, shall be applied and disposed of by the said Trustees in manner following; that is to say, in the first Place, in paying and discharging all the Costs and Expences relative to the procuring and passing of this Act, together with lawful Interest on any Money which shall be borrowed for that Purpose; in the next Place, in

in paying and discharging the Interest accruing and becoming due upon the several Mortgages and Securities which have been already made and granted, and which shall be made and granted upon the said Tolls, in pursuance of this Act; in the next Place, in defraying the Expences of providing and erecting Toll Houses and Turnpike Gates upon the said Road, and repairing and improving the said Road, and in putting this Act in Execution in all other respects; and lastly, in reducing, paying off, and discharging the Principal Sums for the Time being or to become due on Security of the Tolls and Duties by this Act granted.

Not to lay out any Money in lighting, &c. any Town.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to lay out any Money in lighting, watching, or improving any Town through which the Road to be maintained by virtue of this Act passes.

Application of Compensation when amounting to 200*l.*

XXII. And be it further enacted, That where any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees or Releasees in Trust, Guardians, or Committees, or any Trustees, or from any Femes Covert or other incapacitated Person or Persons, or of any Tenant or Tenants for Life, or for any particular Estate, 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 *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, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the 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 or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing charged therewith, and settled or assured to the same 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 so conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited to; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer upon Application thereto, be

1 G. 4. c. 35.

invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the 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 or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

When 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 purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or 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 by 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 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 the Trustees of the said Roads, (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 therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When the Money is less than 20*l.*

XXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in 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 and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees 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.

XXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found,

found, or if the Person or Persons entitled to such Lands 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 or assessed 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 Exchequer, 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 Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to adjudge and determine respecting the Right and Title of the Person or Persons so applying, and to order the said Money to be paid to such Person or Persons, if the said Court shall think fit, or 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, Titles, 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 or Purpose the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise as to the Title to Money.

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 with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annnities 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 respectively, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands or Hereditaments until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer, and the Dividends or Interest of the said 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 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 Expences of Purchases to be paid by Trustees.

XXVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the

the Purchase of other Lands 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 the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees of this Act, who shall from Time to Time pay such Sum of Money for such Purposes as the Court shall direct.

Public Act.

XXVIII. 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.

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

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