



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 29.

An Act to continue and amend Two Acts passed in the Tenth and Thirtieth Years of His present Majesty, for repairing the Road from *Macclesfield*, in the County of *Chester*, to the Turnpike Road at *Randle Carr Lane Head*, in *Fernilee*, in the County of *Derby*, leading to *Chapel in the Frith* in the same County. [20th March 1812.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His present Majesty King *George* the Third, intituled, "An Act for repairing, widening, and altering the Road from *Macclesfield*, in the County of *Chester*, to the Turnpike Road at *Randle Carr Lane Head*, in *Fernilee*, in the County of *Derby*, leading to *Chapel in the Frith*:" And whereas an Act was passed in the Thirtieth Year of the Reign of His said Majesty, intituled, "An Act to enlarge the Term and Powers of an Act passed in the Tenth Year of the Reign of His present Majesty, for repairing, widening, and altering the Road from *Macclesfield*, in the County of *Chester*, to the Turnpike Road at *Randle Carr Lane Head*, in *Fernilee*, in the County of *Derby*, leading to *Chapel in the Frith*:" And whereas the Trustees appointed in or by virtue of the said Acts, have proceeded in the Execution thereof, and borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Sums of Money have been applied to the Purposes of the said Acts, and still remain due and cannot be repaid, nor can the said Road be properly

[*Loc. Et Per.*]

properly amended, improved, and kept in Repair, unless the Term and Powers of the said Acts are continued, enlarged, and altered; and it is necessary that the Tolls granted by the said Acts should be repealed, and others granted in lieu thereof: May it therefore please Your MAJESTY, That it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Provisions, Orders, Regulations, Restrictions, Matters, and Things therein contained, (except such Parts thereof as are hereby varied, altered, or repealed, and except such Parts thereof as relate to Exemption from Stamp-Duties,) shall be and the same is and are hereby further continued for and during the Term hereinafter mentioned, in as full and ample Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and this Act, and the additional Term and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing in any Manner upon the Credit or on Account of the said former Acts, or either of them, and of such other Sum and Sums of Money as shall be borrowed, or become due and owing on the Credit thereof respectively, and of this Act, and of the Interest due and to grow due upon the same.

Acts continued.

Additional Trustees.

II. And be it further enacted, That *William Ayton, Philip Antrobus, John Rowlls Browne Clerk, Thomas Boden, John Birchenall, David Browne, John Beresford, William Brocklehurst, John Brocklehurst the Younger, Thomas Brocklehurst the Younger, William Cruttenden Cruttenden Clerk, Henry Critchley, Thomas Critchley the Younger, John Clulow, Joseph Cooke, John Daintry the Younger, Michael Daintry, William Goodall, Thomas Grimsditch, Lawrence Heapy Clerk, Samuel Hall, Jasper Hulley, Edward Lomas, Joseph Nixon, Richard Orford, George Pearson, Samuel Pearson, George Pearson the Younger, Nathaniel Pearson, George Kent Pearson, John Ryle, Edward Stracey, William Smyth, Edward Smyth, Thomas Scott Smyth Clerk, John Shatwell, John Swanwick the Younger, Thomas Taylor Swanwick, Philip Swanwick, William Taylor, Henry Wardle, Matthew Wadsworth, Thomas Ward, Charles Wood, John Wright, and David Whitmore,* shall be and they are hereby added to and joined with the Trustees appointed by or by virtue of the said former Acts; and the Trustees hereby appointed, together with the Trustees appointed and to be appointed by virtue of the said recited Acts and this Act, shall be and are hereby empowered and authorized to act in the Execution of the said recited Acts and of this Act, as fully and effectually to all Intents and Purposes as if they had been appointed by the said recited Acts or this Act, or either of them.

Qualification of Trustees.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts or of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of Lands, Tenements, and Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or entitled to a Personal Estate of the Value of Two thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements,

ments, or Hereditaments, of the clear Yearly Value of Two hundred Pounds : And if any Person, not being so qualified, shall presume to act contrary to the true Intent and Meaning hereof, every Person for such Offence shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Effoign or Protection, Wager of Law, or more than one Imparance shall be allowed : And the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of the said Acts or of this Act.

IV. And be it further enacted, That when and so often as any Trustee nominated and appointed, or hereafter to be appointed for executing the said Acts and this Act, shall die, or become bankrupt, or insolvent, or shall cease to reside in the said County of *Chester* for the Space of Two Years together, then and in every such Case it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, to appoint another Trustee in his Room in such Manner as by the said first recited Act is particularly mentioned and directed for appointing Trustees.

Trustees may elect fresh ones in the Room of Persons dying or becoming bankrupt or insolvent, or not residing in *Chester* for Two Years together.

V. And be it further enacted, That at all Meetings held by the said Trustees for putting the said recited Acts and this Act into Execution, a Chairman shall be chosen by the Majority of the Trustees then present ; and in case of an equal Number of Votes upon any Question, including that of the Chairman, such Chairman shall have the casting Vote.

Chairman to have the casting Vote.

VI. And be it further enacted, That the said Trustees may sue and be used for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of their Clerk or Treasurer for the Time being ; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, nor by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit : Provided always, that every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted or defended, in pursuance of the said recited Acts or this Act, shall be fully reimbursed and paid out of such Monies as may then be in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Acts and this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages and Expences as by the Event, or in consequence of any such Action or Proceeding, he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of their Clerk.

Clerk to be reimbursed his Expences.

VII. And

Property of,
Toll Houses
&c. vested in
the Trustees.

VII. And be it further enacted, That the Right and Property of all and every the Turnpikes, Chains, Toll Houses, and Buildings fixed and erected, or hereafter to be fixed and erected, by virtue of the said recited Acts, or this Act, and of the Materials for building and making the same, and also all Walls, Rails, Stiles, Posts, and Fences which shall belong to the said Road, and also all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had for repairing the said Road, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring, or cause to be brought, any Action or Actions, or to prefer or order to be preferred any Indictment or Indictments, in the Name or Names of one or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, against any Person or Persons who shall steal, take away, injure or destroy such Turnpikes, Chains, Toll Houses, Walls, Rails, Stiles, Posts, Fences, Tools, Implements, Stones, Gravel, and Materials, or any of them, or any Part or Parts thereof, or disturb them the said Trustees in the Possession thereof, or of any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for repairing the Road from *Macclesfield to Randle Carr Lane Head*, without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Present Tolls
repealed.

VIII. And whereas the several Tolls by the said recited Acts authorized to be taken on the said Road, have been found very inadequate to the proper Execution thereof, be it therefore enacted, That from and after the Second *Monday* after the passing of this Act, all and every the Tolls granted by the said Acts, shall be and they and every of them are and is hereby declared to be repealed; and that instead thereof there shall be demanded and taken by such Person or Persons, as the said Trustees, or any Seven or more of them, shall from Time to Time authorize or appoint for that Purpose, before any Horse, or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriages, shall be permitted to pass through any Turnpike or Turnpikes, Tollgate or Tollgates, Chain or Chains, now erected and set up, or hereafter to be erected and set up by virtue of the said recited Acts, or either of them, and of this Act, the several and respective Sums of Money hereinafter mentioned; that is to say,

Tolls.

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other such Carriage upon Four Wheels, where the same shall be drawn by Six or more Horses, or Beasts of Draught, Fourpence; and where the same shall be drawn by Four or Three Horses, or Beasts of Draught, Fourpence Halfpenny for every such Horse or Beast of Draught; and where the same shall be drawn by Two Horses or Beasts of Draught, Sixpence for every such Horse or Beast of Draught:

For every Horse or Beast of Draught drawing any Curricule, Calash, Chaise, Chair, or other such Carriage upon Two Wheels, where the same shall be drawn by Two or more Horses, or Beasts of Draught, Fourpence Halfpenny; and where the same shall be drawn by One Horse or Beast of Draught, Sixpence:

For

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, Threepence; with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, Fourpence; and with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, or other Beast, laden or unladen, and not drawing, One Penny:

For every Drove of Oxen or Neat Cattle, Tenpence per Score; and so in Proportion for any greater or less Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, Fivepence per Score; and so in Proportion for any greater or less Number.

IX. And be it further enacted, That on each and every *Sunday* after the Commencement of this Act there shall be demanded and taken at the several Turnpikes or Tollgates and Chains now erected and set up, or hereafter to be erected and set up upon the said Road, in lieu of the said several Tolls hereby granted or in addition thereto, by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from Time to Time, authorize or appoint for that Purpose, double the Tolls by this Act granted to be respectively demanded and taken for every Horse, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage as aforesaid, except such Horses or other Beasts, or Carriages, as shall be used or employed in carrying or conveying Milk only, the same being hereby declared liable to the Payment of the same Tolls as are due and payable on any other Day in the Week, and no more. Double Toll on Sundays.

X. And be it further enacted, That the said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees; and the same, and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers as are contained in the said recited Acts, or either of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act, and the Provisions, Regulations, and Restrictions herein contained. Tolls vested in the Trustees.

XI. Provided always, and be it enacted, That in case any of the said respective Tolls shall have been paid at any Toll-bar, or Chain, for and in respect of any Horse, Beast or Cattle, then and in such Case no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle on the same Day, (save and except as herein excepted) to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, at any Toll-bar or Toll-bars erected, or to be erected, within the Distance of Four Miles to the Toll-bar at which such Toll or Tolls were paid. No Toll to be paid within four Miles of the Bar at which Toll shall have been before paid.

XII. Provided also, and be it further enacted, That no Person or Persons who shall have paid Toll for passing through any Turnpike, Tollgate, or Chain, fixed and erected, or to be fixed and erected, upon the said Road, for or in respect of any Horse or Horses, or other Cattle, shall be subject or liable to pay any Toll for returning once through such Turnpike, Persons to pass through once without the Payment of Toll.

[Loc. & Per.]

7 H

Toll.

Toll-gate, or Chain, the same Day before Twelve of the Clock at Night, with the same Horses, or other Cattle, and with the same Coach, Chaise, Waggon, or other Carriage, but shall so return Toll-free on delivering a Note or Ticket to the Collector or Lessee of the Tolls at such respective Turnpikes, Toll-gates, or Chains, which Notes or Tickets such Collector or Lessee is hereby required to deliver *gratis* on Receipt of the Tolls; but that every Person or Persons who shall have once passed and repassed through any such Turnpike, Tollgate, or Chain, shall for every Time afterwards he, she, or they shall pass or repass through the same with the same Horses, or other Cattle, and with the like Coach, Chaise, Waggon, or other Carriage, be subject and liable to the Payment of one-half Part of the Toll at first paid by such Person or Persons for or in respect of the same Horse or Horses, or other Cattle, and shall pay the same, accordingly.

Tire of
Wheels.

XIII. Provided always, and be it enacted, That in case the Sole, or Bottom, or Tire, of any Wheel or Wheels of any Waggon, Wain, Cart, or other such Carriage passing along the said Road, shall deviate more than Half an Inch from a flat or level Surface, then, and in every such Case, every such Waggon, Wain, Cart, or other such Carriage shall be deemed and taken to be a Waggon, Wain, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches, and Toll shall be paid for each and every Horse or other Beast of Draught drawing the same accordingly.

Exemptions
from Tolls.

XIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages, of whatsoever Description, employed or to be employed in carrying the Mails of Letters or 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 therefrom; nor for the Horses belonging to any Officers or Soldiers upon their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting his sick Parishioners; nor of or from any Person or Persons going to or returning from his, her, or their Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated; or who shall be attending, or going to attend, or returning from attending, the
Funeral

Funeral of any Person or Persons who shall die or be buried in any Township, Hamlet, or Place through which the said Road passes; nor for or in respect of any Cattle or Carriages laden only with Gravel, Stone, or other Materials for repairing the said Road, or any Road in any of the Townships, Hamlets, or Places in which the Road hereby directed to be repaired, or any Part thereof, doth lie; or for any Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with, Grass, Hay, Straw, Fodder, Corn in the Straw, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Barns, or to be set or stacked upon the Yards or Premises of the respective Inhabitants or Occupiers of Lands; nor for any such Cattle or Carriage passing or repassing so laden or unladen as last aforesaid, with Muck, Dung, Marl, Compost, or other Manure (Lime excepted) for the manuring and improving of Lands; nor for any Cattle or Carriage laden with, or going empty for, or returning empty after having been laden with only any Plough, Harrow, or other Implement of Husbandry, belonging to any Inhabitant or Occupier of Lands in any of the Townships, Hamlets, or Places through which any Part of the said Road passes; nor for any Horse or Horses, or other Cattle or Stock of any Kind going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to or returning from any Smith or Blacksmith's Shop to be shoed; nor for any Cattle or Carriage carrying Corn only to any Mill to be ground, or returning empty after having delivered such Loading, or going unladen to fetch such Corn when ground, or returning laden only therewith; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; nor of or from any Person or Persons going to vote or returning from voting at any Election of a Member or Members to serve in Parliament for either of the Counties of *Chester* and *Derby*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded: And if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XV. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Penalty for taking the Benefit of Exemption not being entitled.

Stores.

XVI. And

Exempting
Mr. Jodrell
and his Te-
nants from
Payment of
Toll at Fer-
nilee Bar.

XVI. And whereas a Turnpike Gate heretofore called the *Gaphouse Bar* in *Kettlebulme*, in the said County of *Chester*, was formerly erected across the said Road: And whereas the said Turnpike Gate hath been lately removed to a certain Place called *Fernilee*, whereby *Francis Jodrell* Esquire, and his Tenants, occupying Lands in the Township of *Taxall*, in the said County of *Chester*, travelling along the said Road towards *Stockport Chapel*, in the Frith or Buxton, are become liable to pay Toll at the said *Fernilee Bar*; and which Tenants travelling towards the Places aforesaid, were not heretofore liable to pay Toll until the Removal of the said Toll Bar to *Fernilee*: And whereas the said *Francis Jodrell* and his said Tenants, pass only the Distance of Five hundred and Sixty Yards, or thereabouts, along the said Road towards the Places aforesaid, and it is expedient that the said *Francis Jodrell* and his said Tenants should be exempted from the Payment of Toll at the said *Fernilee Bar*; be it therefore enacted, That the said *Francis Jodrell*, his Heirs and Assigns, and his and their Tenant and Tenants occupying any Messuage, Cottage or Land within the Township of *Taxal* aforesaid; and the Servants and Workmen of the said *Francis Jodrell*, his Heirs and Assigns, and of the said Tenant or Tenants, or any of them, shall not be liable to pay Toll for any Cattle or Carriage whatsoever, passing or repassing along the said Road, at any Gate erected or to be erected thereupon, within the Distance of Half a Mile of the Termination thereof at *Randle Carr Lane Head* aforesaid, provided such Cattle or Carriage shall solely belong to or be employed in the Service of the said *Francis Jodrell*, his Heirs and Assigns, or any of the Tenants aforesaid, occupying any Messuage, Cottage or Land within the Township of *Taxal* aforesaid.

Tenants of
Mr. Jodrell
passing and
repassing on
the said Road
with Cattle or
Carriages for
Hire, subject
to the usual
Tolls.

XVII. Provided also, and be it enacted, That in case any of the said Tenants of the said *Francis Jodrell*, his Heirs and Assigns, shall pass and repass on the said Road as aforesaid, with any Cattle or Carriage whatsoever, for the Purposes of Hire, otherways than for each other, that then every such Tenant shall, for each Time he shall so pass and repass on the said Road as aforesaid, be liable and subject to such and the like Payment of Toll as any other Person or Persons would be subject and liable to on passing or repassing on the said Road as aforesaid.

Penalty on
Persons injur-
ing the Road.

XVIII. And be it further enacted, That if any Person or Persons driving any Pigs or Swine upon the said Road, or any Part thereof, shall suffer the same to stop upon the said Road, or any Part thereof, or to root up and damage the same, or any Part thereof, or the Fences, Hedges, Backings or Cops on either Side thereof; or if any Person driving or riding upon any Horse, Mare or Gelding, Mule or Ass, carrying Cans, Crates, or Panniers, shall not keep the said Horse, Mare or Gelding, Mule or Ass, on the Left Hand Side of the said Road; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, or Fireworks whatsoever on any Part or Parts of the said Road, or within Forty Yards from the same; or shall wheel any Wheelbarrow or Wheelbarrows upon any Footway adjoining the said Road, or any Part thereof; or shall scrape off the same any Mud, Soil, Matter or Thing which shall be or lie upon any Parts of the said Road with an Iron Rake, or other Instrument with sharp Points; or shall

shall pull or force up any Stones or other Parts of the Pavement on the said Road, to the Damage thereof; or shall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever, upon the said Road, or any Part thereof, or shall otherwise obstruct or impede the Passage upon the said Road, or any Part thereof; or shall turn out any Horses, Cows, or other Cattle, Mules, Asses, or Swine upon the said Road hereby directed to be repaired, or any Part thereof, or into the Lanes or Ditches adjoining the same (except where the said Road, or any Part thereof, pass over any open Common.) every Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XIX. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Road, shall be, and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Road comprised in the said recited Acts, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees appointed or elected, or to be hereafter appointed or elected by virtue of the said recited Acts or by this Act, or any Five or more of them, or by their Treasurer, Clerk or Surveyor, by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid,

Regulations
as to Per-
formance of
Statute Duty.

[*Loc. & Per.*]

7 I

said,

faid, to pay fuch Proportion thereof as the faid Juftices fhall think proper, not exceeding the Proportion of Labour, to the faid Trustees or their Treasurer at fuch Time or Times as the faid Juftices fhall direct, and in Default of Payment thereof, the fame fhall and may be recovered by Distrefs and Sale of the Goods and Chattels of the refpective Perfons liable to the Payment thereof, in like Manner as any Penalty is by the faid recited Acts authorized or directed to be recovered; and each and every Perfon who fhall neglect or refuse to do fuch Statute Work as aforefaid, after Notice in Writing given to or left for him, her, or them at his, her, or their ufual Place or Places of Abode for that Purpose, by any Surveyor to the faid Trustees, fhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horfe or Horses, Beast or Beasts to be provided by him, her or them, be fubject and liable to fuch Pains, Penalties and Forfeitures, as fuch Perfon or Perfons may be fubject or liable to by any Law or Statute in force for the Repair of public Highways; and if any Perfon who fhall come or be fent to work as a Labourer, or fhall be fent with any Team or Draught to work on the faid Road, fhall be found idle or negligent by any Surveyor to the faid Trustees, fuch Surveyor is hereby empowered to remove and difmifs the Perfon who fhall be found idle or negligent as aforefaid, and in that Cafe, every fuch Perfon fhall be fubject and liable to the refpective Forfeitures and Payments aforefaid as if he had neglected or refused to come, or fuch Team or Draught had not been fent to work on any Part of the faid Road, all which Forfeitures fhall be paid to the Treasurer to the faid Trustees, and applied towards amending the faid Road; and in cafe the Surveyor or Surveyors of the Highways for any of the faid Parishes or Places fhall refuse or wilfully neglect to give in fuch Lifts as aforefaid, or fhall knowingly and wilfully give in falfe or imperfect Lifts, every fuch Surveyor fo offending fhall, for every fuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Application
of Compensa-
tion Money
in certain
Cases where
the Sum ex-
ceeds 200l.

XX. And be it further enacted, That if any Money fhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchafed, taken, or ufed by virtue of the Powers of the faid recited Acts or of this Act, for the Purpofes thereof, which fhall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Perfon or Perfons under any Disability or Incapacity, fuch Money fhall, in cafe the fame fhall 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 High Court of Chancery, to be placed to his Account *ex parte*, the Trustees for executing this and the faid former Acts, to the Intent that fuch Money fhall be applied under the Direction and with the Approbation of the faid Court, to be fignified by an Order made upon Petition to be preferred in a fummery way, by the Perfon or Perfons who would have been entitled to the Rents and Profits of the faid Lands, Tenements and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the faid Court fhall authorize to be paid, affecting the fame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, ftanding fettled therewith, to the fame or the like Ufes, Intents or Purpofes; or where fuch Money
fhall

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, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, 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, and capable of taking Effect; and in the mean Time, and until such Purchases shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant in his Name, in the Purchase of Stock in the *Three per Centum* Consolidated Bank Annuities or *Three 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 thereof 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, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXI. 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, Tenements 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 hereinbefore 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 for executing this and the said former Acts; 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 Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Under 200l.
and above
20l.

XXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last-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, Tenements 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,

Application
of such Mo-
ney where
under 20l.

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 bad
Titles, or
Vendors de-
clining to
execute.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, and Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sums or Sums, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable: and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Disputed
Titles.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this or the said former Acts, 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 as aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests 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 and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said
Court

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.

XXV. 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 under the Authority of this and the said former Acts, 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 and the said former Acts, or so much of such Expences as the said 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 accordingly pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order Trustees to pay Expences.

XXVI. And for the more easy and speedy Conviction of Offenders against the said recited Acts and this Act, or any of them, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts, or either of them, or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; as the Case may happen, (that is to say,)

Summary Form of Conviction.

‘ To wit. } BE it remembered, that on the Day of in
 ‘ } the Year of our Lord
 ‘ A. B. is convicted before me, C. D. One of His Majesty’s Justices of
 ‘ the Peace for the County of [Here specify the Offence,
 ‘ and the Time and Place when and where the same was committed, as the
 ‘ Case may be] contrary to the Provisions of a certain Act passed in the
 ‘ Tenth Year of the Reign of His Majesty King George the Third, in-
 ‘ titled, An Act [Here specify the Title of the Act,] (or the Thirtieth
 ‘ Year, or Fifty-second Year, as the Case may be). Given under my
 ‘ Hand and Seal the Day and Year first above mentioned.
 ‘ C. D.’ (Seal.)

Form of Conviction.

XXVII. And be it further enacted, That the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act shall be paid by the said Trustees, or any Five or more of them, out of the Monies already raised by virtue of the said recited Acts, and now in the Treasurer’s Hands, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in preference to all other Payments whatsoever.

Expences of Act how to be paid.

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.

Public Act.

[Loc. & Per.]

7 K

XXIX. And

Commence-
ment and
Continuance
of the Act.

XXIX. And be it further enacted, That this Act shall commence on the Second *Monday* after the passing thereof, and, together with the said recited Acts, (subject to the Alterations and Amendments herein contained) shall continue in force and be executed for and during the Residue now to come and unexpired of the Terms granted by the said recited Acts, and from the Expiration thereof 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.