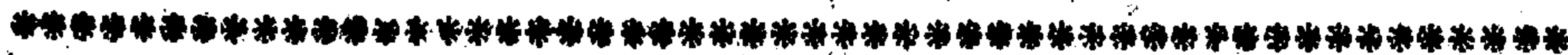




ANNO PRIMO

GEORGIIV. REGIS.



Cap. xviii.

An Act for enlarging the Term and Powers of several Acts of His late Majesty, for repairing the Road from *Kirkby Kendall*, in the County of *Westmoreland*, to *Kirkby Ireleth*, in the County of *Lancaster*. [22d June 1820.]

3G.3.c.33.

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty, intituled *An Act for repairing, widening, and keeping in Repair the Road from Kirkby Kendall, in the County of Westmoreland, to Kirkby Ireleth, in the County of Lancaster*; 24G.3. c.23. And whereas another Act was passed in the Twenty-fourth Year of the Reign of His late Majesty, intituled *An Act to continue and enlarge the Term and Powers of an Act made in the Third Year of the Reign of His present Majesty, intituled 'An Act for repairing, widening, and keeping in Repair the Road from Kirkby Kendall, in the County of Westmoreland, to Kirkby Ireleth, in the County of Lancaster:'* And whereas another Act was passed in the Thirty-ninth Year of the Reign of His late Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of Two Acts passed in the Third and Twenty-fourth Years of the Reign of His present Majesty King George the Third, for repairing, widening, and keeping in Repair the Road from Kirkby Kendall,* 39G.3. c.24. [Local.] 5 A in

Recited Acts
continued.

in the County of Westmoreland, to Kirkby Ireleth, in the County of Lancaster: And whereas considerable Sums of Money, borrowed on the Credit of the said recited Acts, and charged on the Tolls arising upon the said Road, still remain due and owing, and such Sums of Money cannot be repaid, nor can the said Road be properly amended and kept in Repair, unless the Term of the said Acts be extended, and some of the Powers and Provisions thereof be altered, amended, and enlarged: 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 and every the Clauses, Powers, Authorities, Trusts, Tolls, Provisions, Directions, Rules, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things, whatsoever therein contained and now in force, (except such Parts thereof as are repealed, varied or altered), shall be, continue, and remain in full Force and Effect, and the same are hereby further continued, and together with the present Act shall be executed for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intent and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Alterations, Amendments, Powers, and Provisions in this Act contained; and that this Act and the additional Term hereby granted shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Acts or any of them, or hereafter to be borrowed on the Credit of the said recited Acts and this Act, and of all Interest due or to grow due for the same.

Appoint-
ment of new
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Westmoreland*, and all His Majesty's Justices of the Peace acting for the County of *Lancaster*, together with the Right Honourable *George Henry Cavendish*, commonly called Lord *George Henry Cavendish*, the Right Honourable *Edward Lord Stanley*, the Right Honourable *William Lord Viscount Lowther*, *Henry Cecil Lowther*, *Thomas Richmund Gale Braddyll*, *John Bolton*, *William Machell*, *James Machell of Newby Bridge*, *Richard Towers*, *William Fell*, *John Jackson the younger*, *Richard Machell the younger*, *Myles Sandys the younger*, *John Woodburne*, *Thomas Sunderland*, *John Sunderland*, Clerk, and *John Romney* Clerk, shall be and are hereby joined with and added to the Trustees appointed in or by virtue of the said recited Acts, or any of them, to be Trustees for carrying this Act and the said recited Acts into Execution; and the said Trustees herein nominated, being respectively duly qualified, according to the Provisions of the said recited Acts and this Act, and their Successors respectively to be elected, and being respectively so duly qualified, shall in all Respects whatsoever have the like Powers and Authorities to act in the Execution of the said recited Acts and of this Act, as if they had been appointed Trustees in or by virtue of the said recited Acts or any of them.

Power to
appoint
additional
Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees for carrying this Act and the said recited Acts into Execution, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of the said recited Acts or this Act, to elect any Number of Persons, not exceeding Ten in the
Whole,

Whole, to be Trustees for carrying this Act and the said recited Acts into Execution, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified shall be and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Acts, as if they had been herein named.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act or the said recited Acts, unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Five or more of the said Trustees, an Oath or Affirmation in the following Form of Words, and which Oath or Affirmation the said Trustees, or any or either of them, at any of their Meetings to be holden in pursuance of the said recited Acts or this Act, are or is hereby authorized to administer:

I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife*], in the actual Possession and Enjoyment of [*or, in the Receipt of Rents and Profits issuing out of*] Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or, am Heir Apparent of* _____ who to the best of my Knowledge is seised of a Real Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds; *or, am possessed of Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, as the Case may be.*] So help me GOD.
[*or, being a Quaker, omit the Words, 'So help me GOD.'*]

V. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act or the said recited Acts) shall be capable of acting as a Trustee in the Execution of this Act or the said recited Acts, in any Case where he shall be personally interested, nor whilst he holds any Place or Employment of Profit under the said Trustees or this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling-house or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be interested or concerned in any Contract or Contracts under this Act or the said recited Acts, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act or the said recited Acts, every such Person shall, for every

Qualification
of Trustees.

Trustees interested, or holding Places of Profit, or keeping victualling Houses, &c. not to act.

every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign; Protection, Wager of Law, or more than one Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act or the said recited Acts: Provided nevertheless, that all Acts and Proceedings of any Person or Persons who hath or have acted as Trustee or Trustees in the Execution of the said recited Acts, or who shall act as such Trustee or Trustees in the Execution of this Act and the said recited Acts, without being duly qualified, shall (if done previous to his or their being convicted of such Offence) be as valid and effectual as if such Person or Persons had, at the Time of so acting, been duly qualified.

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

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act and the said recited Acts, in the Name of their Clerk, or in the Name of any one of the said Trustees, on Behalf of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of the Clerk, or of the Trustees, or any of them, in whose Name the same shall be brought, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but the Clerk to the said Trustees for the Time being, or the Successor or Successors of the Trustee or Trustees, in whose Name or Names any Action or Suit shall be so brought, shall always be deemed the Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit, as the Case may be; and every such Clerk and Trustee shall be fully reimbursed and paid, out of the Monies arising by virtue of the said recited Acts or this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any Action, Suit, Prosecution, Information, Appeal or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be entitled to by reason of being so made Plaintiff, Defendant, Informant, Appellant or Respondent.

Offices of Clerk and Treasurer not to be held by one Person.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been, or who by virtue of the said recited Acts or any of them, or of this Act, may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act and the said recited Acts, or any of them, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Acts or any of them, or of this Act, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person so offending shall, for every such Offence, forfeit

forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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.

VIII. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His late Majesty, as requires an Oath to be administered to and taken by all Officers and Persons who shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, make and render the Accounts therein mentioned, and also so much thereof as subjects any such Officer or Person who shall refuse to verify such Accounts upon Oath, to the Punishment therein mentioned, shall be and the same is hereby repealed:

Repealing so much of former Act as requires Officers to verify their Accounts on Oath.

IX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out and expended, for or on account of the said Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any or either to them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in Manner provided by the said recited Act of the Third Year of the Reign of His late Majesty for the levying, recovering, and application of Penalties.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

X. Provided always, and be it further enacted, That all Waggon, Wains, Carts or other such Carriages (in respect whereof, or of the Horses drawing the same, the Tolls by the said recited Acts granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed, as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to the Privileges and Exemptions granted by the said Act.

Waggon, &c. allowed Privileges and Exemptions granted by Act 55 G. 3.

XI. And be it further enacted, That upon Payment of any of the Tolls to be taken on the said Road by virtue of the said recited Acts or this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, which Notes or Tickets shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Tickets to be printed.

[Local.]

§ B

XII. And

General
Exemptions
from Toll.

XII. And be it further enacted; That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, nor for any Horses, Cattle, or Carriages of whatsoever 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 therefrom; nor for any Horses, Cattle or Carriages employed in carrying or conveying; or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever; or the Horse or Horses, or other Cattle drawing the same, 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 returning empty from having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed 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 Exemption); nor from any Rector, Vicar, or Curate, going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on other his parochial or ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law, on *Sundays* or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated in the same Parish, Township, or Place, or going to or returning from the Funeral of any Person who shall die and be buried in any such same Parish, Township, or Place; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the Counties of *Westmoreland* and *Lancaster* respectively, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay or Straw, or Corn in the Straw only, and not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry belonging to any such Inhabitants or Occupiers, or any Dung, Mould, Manure, or Compost, (save and except Lime) for manuring or improving Lands; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water

or Pasture, or going to be or returning from being shoed or farried; or for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials for making and repairing the said Road, or any other Highway or public Road, within any Parish, Township, or Place in which any Part of the said Road lies; or for building or rebuilding, enlarging, or repairing any present or future public Bridge or Bridges on the said Road; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in Manner by the said recited Act of the Third Year of the Reign of His late Majesty, provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

XIII. Provided always, 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, Commissariat, or other public Stores, or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses, or other Cattle drawing the same, while so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its 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, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages for His Majesty's Service not to be weighed.

XIV. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered

Disputes concerning Tolls to be settled by a Justice.

ered to issue); and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

For preventing Toll Collectors from misbehaving, &c.

XV. And be it further enacted, That all and every Toll Collector or Toll Collectors, being Lessee or Lessees of the Tolls on the said Road, or appointed or to be appointed, either under the said recited Acts or this Act, or by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the said Road, shall and he is hereby required, on each and every Day previous to his entering on Duty for the Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate or Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, and applied in Manner as is by the said recited Act of the Third Year of the Reign of His late Majesty provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of the said recited Acts or this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in the same Manner as such last-mentioned Penalty.

Deviation not to exceed 100 Yards from the present Road without Consent.

XVI. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road, under the Powers of the said recited Acts and this Act, or any of them, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XVII. And

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes of the said Road, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act and the said recited Acts, 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 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under and with 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, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High 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 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 and Profits of the said Lands, Tenements, and Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Application
of Compen-
sation, if
amounting
to 200l.

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

Where less
than 200l.
and amount-
ing to 20l.

[Local.]

5 C

Tenements,

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 of *England*, in the Name and with the Privy 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 for executing this Act and the said recited 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 therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under
201.

XIX. Provided always, 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act or the said recited Acts, 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 a
good Title, or
Persons cannot
be found, the
Purchase Money
to be paid into
the Bank, subject
to the Order
of Chancery.

XX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act or the said recited Acts; for the Purposes aforesaid, 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 any Five or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, 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 Privy of the Accountant General of the High 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 High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds; and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, and to make such other
Order

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 Sum or Sums of Money into the Bank as aforesaid.

XXI. 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 High 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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 High 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.

In case of
disputed
Titles.

XXII. 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 the said recited Acts or this Act, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and 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 High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as to the said Court shall seem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order reason-
able Ex-
pences to be
paid by the
Trustees.

XXIII. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His late Majesty as authorizes and empowers any Surveyor or Person to cut, dig, gather, take, and carry away any Materials from any River or Brook, Waste, Common, or Moor in any Parish, Town, or Place, in, adjoining to, or lying near the Road aforesaid,

Repealing
Power in
3 G. 3. to get
Materials
from certain
Lands.

aforesaid, without paying any thing for the same, or in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, paying or offering to pay for the Damages as therein mentioned, shall be and the same is hereby repealed.

For getting
Materials to
repair the
Road.

XXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand or other Materials for making, amending, altering, improving or repairing the said Road, out of any Waste or Common, or out of any Common River or Brook, in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, or Place, without paying anything for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such Common River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the County or Place in which such Lands, Tenements, or Hereditaments shall lie or be situate, (as the Case may be), to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials, in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Justice or Justices of the Peace acting in and for such County or Place as aforesaid (as the Case may be), shall and may adjudge and determine to be reasonable: Provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill-weir, or Dam, on any Account or Pretence whatsoever.

Notice to be
given before
Materials
taken.

XXV. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Owner or Occupier of the Premises from which such
Materials

Materials are intended to be taken or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands, Tenements, or Hereditaments shall lie or be situate, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or by his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them, is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

XXVI. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow, on any Footway or Causeway adjoining to the said Road; or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person shall turn any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her upon the said Road, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his or her Care; or if any Person shall make or assist to make any Fire or Fires commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Fire-work whatsoever on the said Road, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games, to the Annoyance of any Passenger or Passengers; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground cause or suffer to be or remain on the said Road, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped on any Part or Parts of the said Road; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Road longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or in case the

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ces.

[Local.]

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same

same shall not during such Time be drawn up or placed as near to the Side of the Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds; to be recovered, levied, and applied as other Penalties and Forfeitures are by the said recited Act of the Third Year of the Reign of His late Majesty directed to be recovered, levied, and applied.

Gates to
open in-
wards.

XXVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be Thirty Feet at least from the Centre of any such Part of the said Road; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that the same shall not open outward or swing towards the said Road whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, and applied in Manner by the said recited Act of the Third Year of the Reign of His late Majesty, provided for the Recovery and Application of Penalties.

Statute
Labour.

Justices to
determine
Differences
touching Sta-
tute Work.

XXVIII. And be it further enacted, 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 said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their 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, Townships, 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, Township, or Place, in lieu
of

of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township 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 is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do 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 by their Order, 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, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts or any of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by the Surveyor or Surveyors to the said Trustees) shall, for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for
any

any of the said Parishes, Townships or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of
Act how paid.

XXIX. And be it further enacted, That the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same until the Time of Payment, shall be paid and satisfied by the said Trustees; and that it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby required to order and direct the Payment of the said Charges and Expences, with Interest as aforesaid, out of any Monies in their Hands, and the first Monies that shall be collected, borrowed or received by virtue of the said recited Acts and this Act, in preference to all other Payments and Disbursements whatsoever.

Act made
Public.

XXX. 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.

Commence-
ment and
Continuance
of the Act.

XXXI. And be it further enacted, That this Act shall commence upon the passing thereof; and that the said several recited Acts (except such Parts thereof as are altered or repealed, and subject to the Alterations and Amendments herein contained) shall continue and be in force and effect, and, together with this Act, shall be executed for and during the Residue of the Term granted and continued by the said recited Acts or any of them; and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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