



ANNO QUINTO

GEORGIIV. REGIS.

Cap. ci.

An Act for more effectually repairing the Road from *Ashby-de-la-Zouch* in the County of *Leicester*, through *Burton-upon-Trent* in the County of *Stafford*, to *Tutbury* in the said County of *Stafford*. [3d June 1824.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from Ashby-de-la-Zouch in the County of Leicester, through Burton-upon-Trent in the County of Stafford, to the Cock Inn in Tutbury in the said County*: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, for repairing the Road from Ashby-de-la-Zouch in the County of Leicester, through Burton-upon-Trent in the County of Stafford, and to the Cock Inn in Tutbury in the said County*: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two several Acts passed in the Twenty-sixth Year of the Reign of His said late Majesty King George the Second, and in the*

[Local.] 26 Q Nineteenth

26G.2. c. 85.
19G.3. c. 85.
42G.3. c. 44.

Nineteenth Year of the Reign of His late Majesty King George the Third, for repairing the Road from Ashby-de-la-Zouch in the County of Leicester, through Burton-upon-Trent in the County of Stafford, and to the Cock Inn in Tutbury in the said County: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Road, and which Money still remains due and owing; and the said Road cannot be effectually amended and repaired, nor can the Money so borrowed be repaid, unless the said Acts are repealed, and further Powers granted, and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled

3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas another Act was passed in the Fourth Year of the Reign of His present*

4 G. 4. c. 95. *Majesty King George the Fourth, intituled An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Nineteenth and Forty-second Years of the Reign of His late Majesty King George the Third, shall, on the passing of this Act, be and the same are hereby severally repealed, and instead thereof this Act shall be put in Execution, for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the present Turnpike Road, from Ashby-de-la-Zouch in the County of Leicester, through Burton-upon-Trent aforesaid, to a Messuage in Tutbury in the said County of Stafford, formerly the Cock Inn, and now in the Occupation of Thomas Tabberer, which said Road passes from, through, or into the several Parishes, Townships, or Hamlets of Ashby-de-la-Zouch and Blackfordby in the County of Leicester, Hartsborne, Swandlincote, Newhale, Bradby, Brizlincote, and Winshill in the County of Derby; and Burton-upon-Trent, Wetmore, Horninglow, Rolleston, Anslow, and Tutbury in the County of Stafford.*

Recited Acts of 26 G. 2., 19 & 42 G. 3. repealed, and this Act to take effect.

Recited Acts of 3 and 4 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution as if

the same had respectively been repeated and re-enacted in the Body of this Act.

III. And be it further enacted, That the whole of the Tolls by this Act granted and imposed, for the keeping and maintaining the Road hereby directed to be kept and maintained, shall, for and during the Term of this Act, be charged with, and made subject to the Payment of all Monies heretofore borrowed for the making and maintaining the said Road, and now due and owing upon the Credit or on account of the said recited Acts, or secured upon or made payable out of the Tolls thereby granted or any Part thereof, and of all Interest due and to grow due thereon, and as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, which in anywise concern the said Road, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, duly entered into by any Person or Persons, to or with the Trustees for executing the said last-mentioned Acts, or either of them, for or concerning any Matters or Things respecting the said Road, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the said Road; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said last-mentioned Acts, or either of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said last-mentioned Acts.

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

IV. And be it further enacted, That all His Majesty's Justices of the Peace, acting for the Counties of *Stafford, Derby, and Leicester*, for the Time being, the Honourable *Frederick Anson, John Allen, Samuel Allsopp, Thomas Allsopp, Sir George Beaumont Baronet, John Broadhurst, Bankes M. D., Michael Bass, Michael Bass junior, William Bass, Philip Brookes, John Bennett, Hanken Bennett, John Bott, Robert Blurton, James Blair, C. V. Webb Bedson, Charles Fletcher Bullivant, the Honourable Colonel Cavendish, Sir George Crewe Baronet, Sir William Browne Cave Baronet, Francis Calvert, Rupert Charoner M. D., Thomas Clark, Christopher Cotton, John Calvert, Thomas Cooper, William Clark, John Charlesworth, William Dalton, William Daniel, Alexander Dixie, William Dewes, the Reverend Henry Des Voeux, Joseph Davis, Francis Cope, Sir Henry Every Baronet, Henry Every, Henry Edwards, John Eames, Edward Fisher, Philip Faukes, Sir Roger Gresley Baronet, Valentine Green, Benjamin Granger, Edward Green, Robert Green, Sir Charles Hastings Baronet, Robert John Wilmot Horton, Charles Hill, Abraham Hoskins, Thomas Hind, Charles James Hodson, Thomas Hanson, John Nicholas Hanson, William Hill, Samuel Higgott, Thomas Hart, Enoch Hand, Thomas Lee Higgott, Daniel Hopkins, Joseph Hopkins, John Hopkins, Horninglow, Thomas Hassale, Joseph Hassale, John Hopkins, Anslow, the Reverend Hugh Jones, Robert Johnson, Thomas Kirkby, William*

William Kinnersley, Joseph Lathbury, John Leedham, William Allport Leedam, Sir Oswald Mosley Baronet, the Reverend John Peplow Mosley, the Reverend Peplow Paget Mosley, Ashton Nicholas Mosley, John Edward Mosley, Samuel Coates Morris, Charles Mold, Edward Mammatt, the Reverend W. M'Douall, the Reverend F. Merewether, Humphrey Trafford Nadin, William Osborne, Thomas Orme, the Reverend John Piddocke, Joseph Pycroft, Robert Peel, Edward Phillips, Francis Piddocke, John Pool, Charles Perks, Middlemore Pilkington, the Reverend John Prior, Thomas Rushton, Arthur Stanhope, John Spender, Edward Smith, John Stayley, Robert Stone, William Still, Smith (Donishorpe), Thomas Thornehill, Edward Thornehill, Robert Thornehill, John Thornehill, John Thornehill junior, Benjamin Tabberer, the Reverend Francis Tunnicliff, Robert Thornby, the Honourable George Vernon, the Right Honourable Lord Waterpark, William Worthington, William Worthington junior, Henry Worthington, Thomas Worthington, William Warner, William Wilders, John Webb, and Thomas Yates, and their Successors, shall be and they are hereby appointed Trustees for amending, widening, altering, straightening, improving, and keeping in Repair the Road herein-before described, and for otherwise putting into Execution this Act, and such of the Powers and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursance of this Act, to elect and appoint any Number of Persons qualified in manner prescribed in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, as if they had been named and appointed by this Act.

Meetings of
Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the *Three Queens Inn* in *Burton-upon-Trent*, or some other convenient Place in *Burton-upon-Trent* aforesaid, on the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then proceed to carry the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Books, &c.
relative to
former Acts
to be deli-
vered.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road, by virtue of the said Acts hereby repealed, or who have, or shall have, in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for, pay, and deliver over the same, and every Part thereof,

to

to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors or other Persons receiving any Money by virtue of this Act may be required to pay or account for the same.

VIII. Provided always, and be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer), nominated and appointed under or by virtue of the said Acts hereby repealed, or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act, and the said Acts of the Third and Fourth Years of the Reign of His present Majesty, into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under and by virtue of this Act.

Old Officers,
(except the
Treasurer)
may continue
till others
appointed.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who may be continued or appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparance shall be allowed.

Clerk not to
act as Treas-
urer, and
vice versa.

X. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Turnpikes now standing in or upon the said Road, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road, or any Part thereof, or upon or across any public Road, Lane, or Way leading to the same, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or

For erecting
Turnpikes.

[Local.]

26 R.

Side

Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to
remove Toll
Gates.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, when and as often as they shall think proper, subject to the Regulations and Restrictions in this Act and in the said Acts passed in the Third and Fourth Years of the Reign of His present Majesty respectively contained, to cause any of the Toll Gates or Toll Bars, or Chains, already erected or which shall be continued or erected in or upon or across or on the Side or Sides of any Part of the said Road by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Parts of the said Road, as the said Trustees, assembled at a General or Adjourned Meeting, shall from Time to Time order and direct.

Lamps to be
lighted at
Toll Houses.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to order and direct one or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer of the Tolls authorized by this Act to be taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission; and if any Person shall wilfully break, throw down, or otherwise destroy any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, or take away or throw down any of the Oil from or out of the said Lamps, or extinguish any of the said Lamps when lighted, every Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Treasurer to the said Trustees.

Power to
take Tolls.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Toll Houses or Side Gates,

or Side Bars or Chains, which shall be erected or placed by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricule, Phaeton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, or Litter, the Sum of Sixpence: Tolls.

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, Dray, or other such Carriage, the Sum of Sixpence:

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

For every Ox, Cow, or Neat Cattle, the Sum of One Halfpenny:

For every Calf, Swine, Sheep, or Lamb, the Sum of One Farthing.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, Ox, or other Beast or Cattle, Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricule, Phaeton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain; and such several and respective Tolls and Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in manner herein-after directed. Tolls to be paid before Cattle pass the Gates.

XIV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken, for the passing of any Horse, Cattle, Beast, or Carriage, through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding. Tolls to be paid but once a Day.

XV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand or take, for or in respect of the same Horse, Beast, Carriage, or Cattle, for passing or re-passing at any Time or Times in any one Day (to be computed as aforesaid), through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than Two full Tolls, the Distance between each respective Place of Payment being at least Seven Miles (except as herein-after mentioned). No more than Two full Tolls to be paid on the whole Line of Road.

XVI. Pro-

Stage
Coaches to
pay every
Time of
passing.

XVI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay, Hire, or Reward, every Time of passing or repassing along the said Road.

Post Chaises
to be subject
on every new
Hiring.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Road, whenever any new Hiring thereof shall be made.

Payment for
Repair of
Burton
Bridge.

XVIII. And whereas the Bridge across the River *Trent*, called *Burton Bridge*, over which the said Road passes, had, previous to the passing of the said recited Act of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, been accustomed to be repaired and maintained by the late Right Honourable *Henry* Earl of *Uxbridge*, and in order to indemnify the said Earl, his Heirs and Assigns, from the increased Expence of repairing and maintaining the said Bridge, in consequence of the more frequent passing of heavy and other Carriages over the said Bridge by the said Road being made over the same, it was by the said last recited Act directed, that the yearly Sum of Twenty Pounds should be paid to the said Earl, his Heirs and Assigns, out of the Tolls arising on the said Road, which Payment hath been made in manner directed by the said last recited Act; be it therefore enacted, That the Most Noble *Henry William* Marquess of *Anglesea*, and his Heirs and Assigns, shall continue to be entitled, and to receive from the Tolls arising on the said Road, during the Continuance of this Act, the said Sum of Twenty Pounds *per Annum*, and that all and every or any of the Person or Persons to be appointed for receiving of the said Tolls shall and do yearly and every Year during the Continuance of this Act, by or out of the Money arising from the said Tolls, which may be collected upon the said Road by virtue of this Act, pay or cause to be paid to the said Marquess, his Heirs or Assigns, the said Sum of Twenty Pounds, by Two equal Half-yearly Payments in the Year; that is to say, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year, the first Payment to be made as a yearly Payment on the Twenty-ninth Day of *September* next after the passing of this Act: Provided always, that if the Tolls to be collected at the said Gates shall not amount to the Sum of One hundred Pounds in any one Half-year, then such Collector or Collectors for the Time being shall, and he and they are hereby required to pay only One-tenth Part of the Tolls which shall be so collected in any such Half-year; and in case of Default or Neglect made in any such Half-yearly Payment as aforesaid, or such Proportion of the Tolls before mentioned, by the Space of Twenty Days next after any of the said Days appointed for Payment thereof as aforesaid, being lawfully demanded of any such Receiver or Collector as aforesaid, it shall and may be lawful to and for any One or more of His Majesty's Justices of the Peace for either of the said Counties of *Stafford* and *Derby*, and he and they is and are hereby

hereby required, upon Application made to him or them by or on Behalf of the said Marquess, his Heirs or Assigns, and upon Oath made of such Demand and Default or Neglect of Payment as aforesaid, (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), to issue a Warrant under his or their Hand and Seal, or Hands and Seals, to be directed to any Constable, Petty Constable, Tithingman, Headborough, or other Person or Persons, thereby empowering and requiring him or them to raise and levy the said Money so payable as aforesaid, by Distress and Sale of the Goods of any such Receiver or Receivers, Collector or Collectors, of whom the same shall have been demanded, and who shall refuse or neglect to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale, and to pay the said Money, when so raised, to the said Marquess, his Heirs or Assigns.

XIX. And be it further enacted, That if any Person or Persons whatsoever shall pass through any Part of the Lane at the End of *Burton* Bridge, called the *Mill Way*, or through the Town of *Stapenhill* in the County of *Derby*, or through any Part of the Lane or Road leading from the End of the said Bridge to the said Town of *Stapenhill*, with any Coach, Landau, Berlin, Chariot, Hearse, Calash, Chaise, or Gig, Waggon, Wain, Cart, or other Carriage, or riding or driving any Horse, Mare, Gelding, Mule, Ass, or any Sort of Cattle, on purpose to avoid the Payment of the Tolls by this Act laid, and shall afterwards be found travelling on the said Turnpike Road, by means of passing through the said Lanes or Town, or shall, before such Lane or Lanes are so made use of in avoiding the Payment of the said Toll, have travelled on the said Turnpike Road, every such Person so offending, and the Person or Persons driving such Carriage or Carriages, or riding or driving such Horse, Mare, Gelding, Mule, Ass, or other Cattle, and being thereof convicted on Oath before any One or more Justice or Justices of the Peace of the said several and respective Counties of *Leicester*, *Derby*, and *Stafford*, shall forfeit and pay to the said Trustees the Sum of Five Pounds, to be levied and recovered by Distress and Sale of the Offender's Goods, or of the Goods of the Owner or Owners of such Carriage or Carriages, by Warrant under the Hand and Seal, or Hands and Seals of any One or more of the said Justice or Justices, rendering the Overplus to the Owner; which said Penalty, when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety thereof towards repairing the said Road.

Punishing
Persons
passing
through
certain Ways
near *Burton*
to avoid Tolls.

XX. Provided always, and be it enacted, That all and every Person and Persons who by Law are chargeable towards the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the said Parishes, in which the said Road doth lie, as before he and they ought to have done.

Persons
chargeable
to the High-
ways to con-
tinue so.

XXI. Provided also, and be it further enacted, That no Toll shall be demanded or taken at any of the Gates or Turnpikes erected or to be erected

General Ex-
emptions
from Toll.

Penalty on fraudulently taking Benefit of Exemption.

erected on the said Road, for any Horse, Beast, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, Lime, or Manure for improving Lands, or for any Sheep or Lambs going to or returning from Fold, Pasture, or Watering Place, such Sheep or Lambs not going or returning on any or either of the Occasions aforesaid more than Two Miles; 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; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the Trustees of the said Road, for the Purposes of this Act.

Application of Tolls and Money borrowed.

XXII. And be it further enacted, That the Monies already received by virtue of the said first recited Acts, and the Monies which shall be raised or received by virtue of this Act, shall be applied and disposed of by the said Trustees in Manner following, (that is to say), in the first place, in paying and discharging all the Costs and Expences relative to the procuring and passing of this Act; in the next place, in paying and discharging the Interest accruing and becoming due upon the several Mortgages and Securities which have been already made and granted, and which shall be made and granted upon the said Tolls in pursuance of this Act; in the next place, in defraying the Expences of providing and erecting Toll Houses and Turnpike Gates upon the said Road, and repairing and improving the said Road, and in putting this Act in Execution in all other respects; and lastly, in reducing, paying off, and discharging the principal Sum for the Time being due or to become due on Security of the Tolls by this Act granted.

Application of Compensation, when amounting to 200*l.*

XXIII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, be applied under the Direction

1 G. 4, c. 35.

Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, 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, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, 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, 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 meantime, and until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; 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, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXIV. Provided always, and be it further enacted, That if any Money shall be agreed or assessed 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act, (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 and Interest arising thereon, may be applied in Manner herein-before directed, so far as the

Application
where under
200*l.* and
exceeding
20*l.*

Case

Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer:

Application where the Money is less than 20l.

XXV. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or 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, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or Persons entitled not being found, Money to be paid into the Bank.

XXVI. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall, 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, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the same 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.

Persons in Possession presumptively entitled.

XXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer,

quer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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.

XXVIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the 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 Act, 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 pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXIX. And whereas Heaps of Dung, Soil, Compost, Ashes, and other Things, may be deposited on the Sides of the said Road, and may not be removed therefrom without Detriment to the said Road, by having a Part of the Soil under the said Heaps removed therewith, whereby the Sides of the said Road become in Time steep and uneven; for Prevention of such Mischief, it is hereby further enacted, That if any Person shall, from and after the passing of this Act, deposit or place any such Heaps of Dung, Soil, Compost, Ashes, or other Things, on the said Road, or on the Sides thereof, within Thirty Feet from the Centre of such Road, unless for the Repair of the said Road, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For removing Nuisances.

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 other Persons whomsoever, without being specially pleaded.

Public Act.

Commence-
ment and
Continuance
of Act.

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

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