ANNO SEXTO.

GEORGII IV. REGIS.

Cap. lxxxix.

An Act for amending and maintaining the Road from the Market Place in *Cromford* to the Guide Post on *Hopton Moor*, and Two Branch Roads to *Newhaven House* and *Wirksworth*, all in the County of *Derby*. [20th *May* 1825.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, widening, altering, and improving the Road leading from the Market Place in* Cromford *to the* Five Lane Ends *at the Guide Post on* Hopton Moor; *and for setting out and making Two new Roads branching from the said Road, One up the Valley by* Grange Mill *to* Newhaven House, *and the other from near the said Valley to the Town of* Wirksworth, *all in the County of* Derby: And whereas several considerable Sums of Money have been borrowed, and now remain due and owing upon the Credit of the Tolls, thereby authorized to be collected: And whereas it is expedient that the said recited Act should be repealed, and other Provisions made for repairing and maintaining the Roads comprised therein: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *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 said Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was

44 G. 3. c. 67.

3 G. 4. c. 126.

4 G. 4. c. 95.

passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act of the Forty-fourth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed; and this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, improving, altering, and keeping in repair the Road leading from the Market Place in *Cromford* to the *Five Lane Ends* at the Guide Post on *Hopton Moor*, and also Two Roads leading from the said Road, one up the Valley by *Grange Mill* to *Newhaven House*, and the other from near the said Valley to the Town of *Wirksworth*, all in the County of *Derby*.

5 G. 4. c. 69.

First-recited Act repealed.

Term and Tolls made liable to Debts under former Act.

II. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said first-recited Act, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Bonds, Contracts, &c. to be in force.

III. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities, made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit under the Trusts of this Act.

Certain Books kept under former Act to be Evidence, and together with all Books of Accounts under former Act, shall be open to Inspection.

IV. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees in the Execution of the said first-recited Act, kept according to the Directions or Provisions thereof, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements made under the said first-recited Act, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and 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, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively,

spectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Powers of 3, 4, & 5 G. 4. extended to this Act.

V. 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, and also save and except such Parts thereof as are expressly 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), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power and Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Peter Arkwright*, *Thomas Bateman*, *Richard Badnall* the elder, *Richard Badnall* the younger, *George Banks*, *Robert Blackwall* the elder, of *Wirksworth*, *Robert Blackwall* the younger, of *Wirksworth*, *Ebenezer Bowman*, *William Bradshaw*, *Samuel Briddon*, *John Briddon*, *William Brittlebank*, *German Buxton* Clerk (*Bradborne*), *D'Ewes Coke*, *Robert Cresswell*, *William Fiddler*, *Charles Flint*, *Hugh Ford*, *Richard Gaunt*, *John Nicholas Gell*, *Francis Green Goodwin*, *William Gould*, *David Gregory*, *Thomas Griffin*, *Thomas Hall*, *Stephen Hall*, *Philip Heacock*, *Francis Hurt* the younger, *Nathan Hubbertsy* Clerk, *Richard Hurt*, *Charles Hurt* the younger, *Thomas Lomas*, *John Matkin*, *Robert Millington*, *Francis Bradshaw Page*, *Thomas Poyser*, *John Bolehill Smith*, *John Sleigh*, *James Swettenham*, *James Oldham Swettenham*, *William Thornhill*, *Bache Thornhill* Clerk, *John Toplis*, *George Toplis* (*Brassington*), *Ralph Toplis* (*Winster*), *Thomas Tomlinson* (*Wirksworth*), *Jasper Wager*, *George Webster*, *George Webster* the younger, *William White* (*Alton*), *John Wright* (*Bradborne*), *John Wright* (*Wirksworth*), *Charles Wright*, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and maintaining in repair the said Roads, and for otherwise putting this Act in execution.

Power to appoint additional Trustees.

VII. 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 elect and appoint any Number of Persons, being duly qualified according to the Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Two in the whole, in addition to the Number

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 Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Red Lion Inn* in *Wirksworth*, or some other convenient Place in the Town of *Wirksworth*, on the Third *Saturday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places within the said Town, as they shall think proper.

Present Officers to continue.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts, passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer, appointed under or by virtue of the said first-recited Act, shall hold and enjoy such their several and respective Offices and Employments, until they shall respectively die or resign the same, or shall be removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be 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, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or 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, or the Clerk or any Person in the Service or Employ of the Partner 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, or the Clerk or any Person in the Service or Employ of the Partner 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, or the Clerk or any Person in the Service or Employ of the Partner 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

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 Imparlance, shall be allowed.

Treasurer to give Security.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office.

Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, now standing and being in or upon or across the said Roads, 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 Roads by this Act directed or authorized to be repaired and amended, or the Sides thereof, 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 Side Bars, Chain or Chains, 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 Gate, Bar, Chain, or Weighing Machine, and to take in and inclose, on the Sides of the said Roads, suitable Garden Spots for the same respectively, 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 take Tolls.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or 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 are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads by this Act directed or authorized to be repaired and amended, or any of them, or any Part or Parts thereof, 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),

Tolls.

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

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage, upon Three or Four Wheels, the Fellies of which are of the Breadth of Six Inches or upwards, the Sum of Sixpence:

For every Cart upon Two Wheels, drawn by One Horse and no more, having the Wheels or Fellies of the Breadth of Four and a Half Inches or upwards, the Sum of Four-pence:

For every Cart upon Two Wheels, drawn by more than One Horse, having the Wheels or Fellies of the Breadth of Four and a Half Inches or upwards, for each and every Horse so drawing, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, Wain, or other such like Carriage, upon Two or more Wheels, the Fellies of which are of less Breadth than Four and a Half Inches, the Sum of One Shilling:

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

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

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

Tolls vested in the Trustees.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be entitled or 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 or 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 but Once a Day.

XIV. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any Toll Gate or Turnpike or Side Gate on the said Roads, by this Act directed or authorized to be repaired or amended or made, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof 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 from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls on the whole Line of Road.

XV. Provided also, and be it further enacted, That no more than the Tolls following shall be demanded or taken for or in respect of the same Horses, Beasts, or Cattle for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, Side Gates, or Chains, along the whole Line of the said Road; (that is to say), no more than Two Tolls between *Cromford* and *Newhaven*, nor more than Two Tolls between *Wirksworth* and *Newhaven*.

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

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

XVII. Pro-

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

Post Chaises to be subject again to Toll on every new Hiring.

XVIII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, or Side Gates erected and continued or to be erected upon, across, or by the Sides of the said Roads, for any Horse, Beast, or other Cattle or Carriage used or 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, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll House or Toll Gate now erected and continued, or hereafter to be erected on the said Roads under this Act; and that if any Person or Persons shall 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 such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll, or other Exemption on any Turnpike Road, may by Law be levied or recovered; 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 said Trustees, and applied or disposed of for the Purposes of this Act.

General Exemption from Toll.

XIX. Provided always, and be it further enacted, That all and every Lease and Leases or Letting of the Tolls arising on the said Roads, granted and made or agreed upon by the Trustees for executing the said first-recited Act, and the several Covenants thereof, shall, notwithstanding the Repeal of the said Act, remain and continue in full Force and Effect, until the Expiration of the Term or Terms thereby respectively granted or agreed for, or until any legal Determination of any such Lease or Letting; and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease or Letting had been granted or made or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same had been Trustees for executing this Act.

Present Leases to continue in force.

XX. And be it further enacted, That out of the Monies already received by virtue of the said first-recited Act, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall in the first Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall from Time to Time be applied (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones, or Posts, or Fences, and for Books, Advertisements, Salaries of Officers, and other such

Application of Tolls and Money to be borrowed.

such Expences incidental to the Execution of this Act,) in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said first-recited Act, and which by virtue of and under the Powers of this Act may be borrowed on the Credit of this Act, and in erecting Turnpikes and Toll Houses, and in amending, altering, turning, widening and improving, and keeping in repair the said Roads, and in otherwise putting this Act into Execution, and lastly, in repaying the Principal Monies already borrowed by virtue of the said recited Acts and to be borrowed on the Credit of this Act.

Application of Compensation Money if amounting to 200*l.*

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, 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 or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and 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 said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith to the same or the like Uses, Intents, and 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, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were settled and 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 made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds

1 G. 4. c. 35.

per

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 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 so hereby directed to be purchased, and in case such Purchase and Settlement thereof were then actually made.

When less than 200*l.* and more than 20*l.*

XXII. Provided always, and be it further enacted, That if any Money so to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, or for Years, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than Two hundred Pounds, and shall exceed 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, Idiotcy, 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 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 named by the Person or Persons making such Option, and approved of by Three or more of the 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 to arise thereon or the Interest thereof, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not more than 20*l.*

XXIII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall belong absolutely, and be paid to 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 to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit, or in Cases of Infancy, Idiotcy, 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, &c. Purchase Money to be paid into the Bank.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid 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 agreed or awarded to be paid 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 agreed or awarded to be paid 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, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall 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 other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Title to Money, Persons in Possession to be deemed entitled.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments so purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of 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 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.

Expence of Purchase to be allowed by Court.

XXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the 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 Bank of *England*, or 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 Court of Exchequer to

order the Expence 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, 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.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth as they shall consider expedient, for the Purpose of keeping the said Roads dry and of conveying the Water from the same, as well on the Side or Sides of the said Roads, as also where necessary into or through any Lands or Grounds adjoining or lying near the said Roads, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, and Tunnels as shall cross or pass through, in, or under the said Roads, shall be maintained and repaired by the said Trustees, subject to the Provisions of the said recited Acts.

Ditches, Drains, &c. by whom to be made and cleansed.

XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

XXIX. And be it further enacted, That this Act shall commence upon the passing thereof, 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.

The Commencement and Continuance of this Act.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1825.