



ANNO QUADRAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. 64.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Macclesfield* to *Nether Tabley*, in the County of *Chester*; and for making a new Road from *Birtles* to *Macclesfield* aforesaid. [27th May 1808.]

WHEREAS an Act was made in the Ninth Year of the Reign of His present Majesty King George the Third, intituled, *An Act to repair and widen the Road from the Broken Cross in Macclesfield, in the County of Chester, over the Long Moss and Monks Heath to the Turnpike Road in Nether Tabley, in the said County, and for turning and exchanging Part of the said Road*: And whereas another Act was made in the Thirty-first Year of the Reign of His said present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act passed in the Ninth Year of the Reign of His present Majesty, for repairing and widening the Road from the Broken Cross in Macclesfield in the County of Chester, over the Long Moss and Monks Heath to the Turnpike Road in Nether Tabley, in the said County, and for turning and exchanging Part of the said Road*: And whereas great Progress hath been made in the Execution of the said recited Acts, for which Purpose considerable Sums of Money have been borrowed and still remain due and owing upon the Credit of the Tolls by the said Acts granted; which Sums of Money cannot be repaid, and the said Road kept in proper Repair, unless the Term granted by the said Acts is continued, the Tolls increased, and some of the Powers thereof altered, enlarged, and rendered

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more effectual: And whereas the present Road leading from the Cross at *Broken Cross* aforesaid, to the End of a certain Lane in *Birtles*, in the said County, called the *Dark Lane*, is in many Places very narrow, hilly, and incommodious to Travellers, and cannot be repaired by the ordinary Course of Law; and it would be of great Advantage to the Neighbourhood thereof, and of Utility to the Public, if a new Piece of Road were to be made between *Macclesfield* and *Birtles* from the Cross at *Broken Cross* aforesaid, through the Township of *Henbury* in the said County, to join the present Road near to the End of the said Lane, called the *Dark Lane*; which new Piece of Road would be much nearer, and less hilly than the present Road; but as the above Purposes cannot be effected without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such Parts thereof as relate to Exemptions from Stamp Duties, and also such as are hereby varied, altered, or repealed) shall be and remain in full force and effect, and together with this present Act shall be put in Execution for and during the Term herein-after mentioned, as fully and effectually in all Respects and to all Intents and Purposes as if the said Acts and the Clauses, Powers, and Provisions therein respectively contained, were expressly repeated and re-enacted in the Body of this present Act, and as if the said new Piece of Road had been Part of the Road included in the said Acts, but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take effect upon the passing of this Act; and that this Act and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Acts and of this present Act, or any of them, and all Interest due and to become due for the same respectively.

Former Acts continued.

Empowering the Trustees to make the new Piece of Road.

II. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them, or for such Persons as they or any Five or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons in or through which the said new Piece of Road is intended to pass, to set out, form, make, and complete the same from *Broken Cross* aforesaid, through the Township of *Henbury* aforesaid, to or near the End of the said Lane in *Birtles* aforesaid, called the *Dark Lane*, and to cut and make such Drains, Gutters, and Tunnels for draining the Lands adjoining or near such Road, as shall be by them thought necessary or proper for draining the Water from such Road according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers to them hereby granted, and making reasonable Satisfaction to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, and Hereditaments, for all Damages which shall be sustained by executing the Powers and Authorities hereby given; and in case any Difference concerning the same shall arise between the said Trustees and such Owners or Proprietors and

Persons interested as aforesaid, that then the same shall be ascertained and settled by a Jury in such Manner as is directed by the said first recited Act, with respect to the Valuation of Lands intended to be made Part of the said Road: Provided always, that nothing herein contained shall authorize or empower the said Trustees or any Person or Persons acting by or under their Authority, to take, use, injure, or damage for the Purposes of the said Road or any of the Purposes aforesaid; any House or other Building, or any Land or Ground set apart or used as a Garden, Orchard, Park, or planted Avenue to a House, without the Consent of the Owner or Owners thereof; which said new Piece of Road shall be of the Width of Forty Feet.

III. And whereas a Map or Plan describing the Line of the said new Piece of Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Chester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said new Piece of Road, shall not deviate more than One hundred Yards, of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing, of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan, &c.

IV. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said new Piece of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are, or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan, as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Trustees may make Road through Grounds although the Names are not in the Book of Reference.

V. And whereas the Tolls granted by the said recited Acts have been found insufficient for amending and keeping the said Road in good Repair, and for executing the several other Purposes of the said Acts; be it therefore further enacted, That from and after the Twenty-ninth Day of *September* One thousand eight hundred and eight, the Tolls payable in and by the said recited Acts shall cease, determine, and be no longer paid; and that in lieu thereof the following Tolls shall be demanded and taken, before any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Waggon, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, Beast or other Cattle whatsoever be permitted to pass through any Turnpike or Toll Gate, Side Bar or Side Gate, erected or to be erected by

For repealing the present Tolls and granting new ones.

virtue

virtue of the said recited Acts or this Act, upon or across the said Road, or upon or across any Lane or Way leading into the same; (that is to say),

Tolls.

For every Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Curricule, Hearse, Calash, or Chaise-Marine, drawn by Six Horses or other Beasts, the Sum of Three Shillings :

For every Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Curricule, Hearse, Calash, or Chaise-Marine, drawn by Four Horses or other Beasts, the Sum of Two Shillings :

For every Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Curricule, Hearse, Calash, or Chaise-Marine, drawn by Three Horses or other Beasts, the Sum of One Shilling and Sixpence :

For every Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Curricule, Hearse, Calash, or Chaise-Marine, drawn by Two Horses or other Beasts, the Sum of One Shilling :

For every Chaise, Chair, Calash or Hearse, drawn by One Horse or other Beast, the Sum of Eight-pence :

For every Waggon, Wain, or other Carriage with Four Wheels loaden with or going for or returning unloaden, after having delivered any Lime, Coals, or Kennel only, betwixt the First Day of *May* and the Twenty-ninth Day of *September*, drawn by Four or more Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence :

For every Waggon, Wain, or other Carriage with Four Wheels (except as aforesaid) the Sum of Two Shillings and Sixpence :

For every Cart or other Carriage with Two Wheels, loaden with or going for or returning unloaden, after having delivered any Lime, Coals, or Kennel only, betwixt the First Day of *May* and the Twenty-ninth Day of *September*, drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling :

For every Cart or other Carriage with Two Wheels (except as aforesaid) drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Nine-pence :

For every Cart or other Carriage with Two Wheels, loaden with or going for or returning unloaden, after having delivered any Lime, Coals, or Kennel only, betwixt the First Day of *May* and the Twenty-ninth Day of *September*, drawn by Three Horses or other Beasts of Draught, the Sum of Nine-pence :

For every Cart or other Carriage with Two Wheels (except as aforesaid) drawn by Three Horses or other Beasts, the Sum of One Shilling and Three-pence :

For every Cart or other Carriage with Two Wheels, loaden with or going for or returning unloaden, after having delivered any Lime, Coals, or Kennel only, betwixt the First Day of *May* and the Twenty-ninth Day of *September*, drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence :

For every Cart or other Carriage with Two Wheels (except as aforesaid) drawn by Two Horses or other Beasts, the Sum of Nine-pence :

For every Cart or other Carriage with Two Wheels, loaden with or going for or returning unloaden, after having delivered any Lime, Coals, or Kennel only, betwixt the First Day of *May* and the Twenty-ninth Day of *September*, drawn by One Horse or other Beast of Draught, the Sum of Three-pence :

For

For every Cart or other Carriage with Two Wheels (except as aforesaid) drawn by One Horse or other Beast, the Sum of Sixpence;

For every Horse, Mare, Gelding, Mule or Ass, or other Beast unladen, going to fetch Lime, Coals, or Kennel, or which shall be laden with Lime, Coals, or Kennel only, or returning unladen having delivered such Loading, the Sum of One Penny:

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

For every Score of horned or neat Cattle, the Sum of One Shilling and Four-pence; and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Eight-pence; and so in proportion for any less Number.

And that Double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act.

Which said respective Tolls or Duties shall be and are hereby declared to be vested in the Trustees appointed or to be appointed for the Purposes of the said recited Acts or this present Act, and shall be demanded and taken in the Name of and as a Toll by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, and shall and may be levied, recovered, applied, and disposed of in such and the same Manner as by the said recited Acts or either of them is directed with regard to the Tolls thereby granted, subject nevertheless to the Alterations herein contained.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby empowered, at any Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be fixed on all the Turnpikes or Toll Gates erected on the said Road, by and with the Consent in Writing of the Person or Persons to whom any Money shall be owing on the Credit of the said Tolls, to lessen or reduce all or any of the said Tolls for and during such Time as the said Trustees or any Five or more of them shall think proper; and afterwards at any Meeting to be held as aforesaid, from Time to Time if they shall see Occasion, with the Consent of Five Sixths of the Creditors, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Tolls hereby granted.

Trustees may
lessen the
Tolls, and
raise them.

VII. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken at each of the said Turnpikes or Toll Gates erected or to be erected by virtue of the said recited Acts or either of them or of this Act, from any Person or Persons for once passing and repassing the same Day through the said Turnpike or Toll Gate where such Toll shall have been paid, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, and Carriages; but that all and every Person and Persons having paid one Toll at any of the said Toll Gates or Turnpikes, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll) shall once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages, Toll-free, through the said Toll Gate or Turnpike where such Toll had been so paid; but if any Person or Persons shall pass through

Persons to pass
and repass
on the same Day,
for the Pay-
ment of one
Toll;

but if more than twice, the additional Tolls shall be taken.

any such Toll Gate or Turnpike a Third Time with the same Horses, Cattle, Beasts, or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Toll, and so *toties quoties* for every Third Time the said Person or Persons shall pass the same Day through the same Gate or Turnpike with the same Horses, Cattle, Beasts, or Carriages as aforesaid.

For preventing Misconduct in Collectors.

VIII. And, in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls; be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable, shall affix his or her Christian and Surname on a Board on some conspicuous Part of the Toll House, at which he or she shall be appointed to collect the said Tolls, on each and every Day that he or she shall continue in such Collection, under the Penalty of any Sum not exceeding Five Pounds for every Neglect thereof; and if any such Collector shall wilfully misbehave himself or herself in the Collection of the said Tolls, or shall insult or abuse any Person or Persons passing through any of the Turnpikes already erected or hereafter to be erected by virtue of the said recited Acts or either of them, or of this Act, and shall be thereof convicted on his or her own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said County of *Chester*, he or she shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in Default of Payment thereof shall be committed to the Common Gaol or House of Correction, for any Time not exceeding One Calendar Month.

Exemptions from Toll.

IX. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Road Gravel, or other Materials for repairing the said Road, or any of the Roads in the Townships in which any Part of the said Road doth lie, or the next adjoining Townships; or Hay, Grass, Straw, or Corn in the Straw only, Turves, Heath, or Furze for Fuel, to be produced from the Lands, Grounds, or Moss-rooms not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the respective Owners for the Purpose of thrashing out such Corn, or of using and consuming such Hay, Grass, Straw, Turves, Heath, and Furze, or for any Cart or other Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or any Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime only excepted); or for any Horses, Sheep, or Cattle going to or returning from Pasture or watering Places, or going to be, or returning from being shod or farried; or for any Horse, Cattle, or Beast employed in carrying and conveying or returning from carrying or conveying any Corn, Grain, Meal, or Flour to or from any Corn Mill for the Owner's own Use and Consumption, and not for Sale; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Wor-
ship

ship tolerated by Law, on a *Sunday* or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships; or from any Clergyman going to or returning from visiting any Sick Person; or going to or returning from other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle or Carriage of whatever 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 carrying, fetching, or guarding such Mails, or Expresses, or returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Chester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall 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 as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

X. And be it further enacted, That after the said new intended Piece of Road shall be completed, the Lands and Grounds constituting the former Road, unless the same leads to some Village, Town, or Place, to which the said new Piece of Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees or any Five or more of them, for the best Price or Prices that can be got for the same; and in case the said former Road shall lead to any Village, Town, or Place, to which the said new Piece of Road doth not lead, and the same shall exceed the Width or Breadth of Thirty Feet, then the Lands and Grounds constituting the said former Road above the Width or Breadth aforesaid, shall also be vested in and shall and may be sold and conveyed by the said Trustees or any Five or more of them for the best Price or Prices that can be got for the same; and the Money arising by such Sale or Sales shall be applied in such Manner as the Tolls hereby granted are directed to be applied: Provided always, that in case the Owner or Owners of any Lands adjoining the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be completed, his, her, or their Desire to purchase so much

Old Road to
be sold, etc.

much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same in preference to any other Person; and in case such Owner or Owners respectively shall not then and thereupon agree or shall refuse to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County of *Chester* (who is hereby empowered to take the same) by some Person or Persons no way interested in the said Piece or Parcel of Ground, stating that an Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be), and if the said Trustees or any Five or more of them and the said respective Owners shall not agree touching the Money to be paid for the Purchase of such Lands, the Value thereof shall be ascertained and settled by a Jury, in such Manner as is directed by the said first recited Act with respect to the Valuation of Lands intended to be made Part of the said Road.

By whom the
Expences of
the Jury to be
paid.

XI. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken on Behalf of the said Trustees as the Purchase Money for such Old Road as aforesaid, then and in such Case the Costs and Charges of summoning and returning the Jury and Witnesses shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more Money or for less Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such Old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and returning such Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in Question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to settle the same) and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment and Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes whatsoever to be the Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise the Costs and Expences in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as are by the said first recited Act provided for the Recovery of the Penalties and Forfeitures incurred: Provided always, That in all Cases where

any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XII. And be it further enacted, That the several Meetings of the Trustees for executing this and the said recited Acts, shall be held at some convenient Public House situate in any of the Townships through which the said Road passes or is intended to pass; and the said Trustees or any Five or more of them attending such Meeting, or in case of there not being Five of the said Trustees present, the Clerk or Treasurer of the said Road for the Time being may adjourn such Meeting from Time to Time, on giving public Notice in Writing, to be affixed on all the Turnpikes or Toll Houses upon the said Road at least Ten Days before each of such adjourned Meetings, of the Time and Place when and where such Meeting is to be held.

Place of
Meeting of
Trustees.

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts, and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, 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 *ex parte* the Trustees for executing the said Acts and this Act, 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, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts 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 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 the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed 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 or Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said 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 mean Time and until such 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

Application of
Compensation,
if amounting
to 200l.

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Time

Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, by the said recited Acts or this Act, directed to be purchased in case such Purchase or Settlement were made.

Application of Compensation, if less than 200l. and not exceeding 20l.

XIV. Provided always, and be it further enacted, That if any Money, so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be paid 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 the said recited Acts and 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 arising thereon, may be applied in any Manner herein before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation, if less than 20l.

XV. Provided also, 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 the said Acts and this Act, 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 Titles.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts or 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 such 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 and may be lawful to and 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 Privity of the

the Accountant-General of the 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 Court of Chancery; which said Court of Chancery, 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 thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, in pursuance of the said recited Acts or 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 of the said recited Acts or 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 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.

Where any Question shall arise touching any Title to the Money to be paid, the Person in Possession shall be entitled.

XVIII. 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, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Use, in pursuance of the said recited Acts or this Act, it shall be lawful for the said 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order to be paid by the said

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

Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Persons
chargeable to
Statute Work
to continue fo.

XIX. Provided always, 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 Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Chester*, and they are hereby empowered and required, upon Application made to them by the said Trustees or by their Clerk or Surveyor, by their Order yearly to judge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Townships or Places in which the said Road and new Piece of Road lieth, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for the said Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Township or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Six Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads 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 in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, 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 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 any Surveyor 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

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 shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off 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 Roads; 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 of the said Townships or Places shall refuse or wilfully neglect to give in such Lists, as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Townships or Places in which the said Road is situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Township or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

XXI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Sum or Sums of Money for the Purposes of paying the Expences of this Act, and for paying for Land which may be necessary to be purchased for making and compleating the said new Branch of Road, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the said Trustees or any Five or more of them, by an order in Writing to be made and subscribed by them, at any public Meeting or Meetings to be held for the Purposes of this Act, to be paid to their Treasurer at such Time or Times, Place or Places, as they shall in and by such Order direct or appoint; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in Manner required as aforesaid for that Purpose, it shall and may be lawful for the said Trustees or any Five or more of them, and they are hereby empowered in the Name of their Treasurer for the Time being, to sue for and recover the same by an Action or Actions of Debt on this Act in any of His Majesty's Courts of Law at *Westminster*.

For compelling the Payment of Subscriptions.

Expences of
this Act how
to be paid.

XXII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Interest from the Time of advancing the same till 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 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.

Public Act.

XXIII. 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
Duration of it.

XXIV. And be it further enacted, That the Term granted by the said recited Acts shall on the Twenty-ninth Day of *September* One thousand Eight hundred and eight cease and determine, and the said recited Acts (subject to the Alterations, Variations, and Additions hereinbefore contained) and this Act, shall from thenceforth commence, continue, and be in force and be executed 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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