



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. lxxv.

An Act to continue and amend an Act passed in the Thirty-sixth Year of His present Majesty, for altering the Road from *Macclesfield* to *Congleton*, in the County of *Chester*. [10th July 1817.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty King *George* the Third, intituled "*An Act for altering, widening, improving, and keeping in Repair the Road leading from Macclesfield by Broken Cross, to Congleton, all in the County Palatine of Chester:*" ^{36G.3.c.148.} And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Sums of Money have been applied for the Purposes of the said Act, and still remain due, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term and Powers of the said Act are continued, enlarged, and altered, and the Tolls granted by the said Act increased: 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 Act, and all the Clauses, Powers, Provisions, Orders, Regulations, Restrictions, Matters, and Things therein contained, (except such Parts thereof as are varied, altered, or repealed,) shall be, and the same is and are hereby further continued for and during the Term hereinafter mentioned, in as full and ample Manner to all In-

Act continued.

[Local.]

21 K

ents

tents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing in any Manner upon the Credit or on Account of the said former Act, and of such other Sum and Sums of Money as shall be borrowed, or become due and owing on the Credit thereof, and of this Act, and of the Interest due and to grow due upon the same respectively.

Additional
Trustees.

II. And be it further enacted, That Sir *Edmund Antrobus* Baronet, *Edmund Antrobus*, *John Rowlls Browne* Clerk, *Thomas Boden*, *David Browne*, *William Brocklehurst*, *John Brocklehurst* the Younger, *William Cruttenden Cruttenden* Clerk, *Thomas Critchley* the Younger, *John Clulow*, *Joseph Cooke* Clerk, *Davies Davenport*, *Edward Davies Davenport*, *Walter Davenport* Clerk, *John Daintry* the Younger, *John Darcey* Clerk, *William Birley Dickinson*, *John Glegg*, *John Baskerville Glegg*, *Thomas Grimsditch*, *Rowland Gould*, *Robert Hibbert* of *Birtles*, *John Hibbert* of *Birtles*, *Lawrence Heapy* Clerk, *Jasper Hulley*, *William Hall*, *Thomas Hall*, *Francis Jodrell*, *Timothy Jones*, *Thomas Legh*, *Thomas Parker*, *Nathaniel Maxey Pattison* of *Congleton*, *George Pearson*, *Samuel Pearson*, *George Kent Pearson*, *John Robinson*, *Sir John Thomas Stanley* Baronet, *John Shakerley*, *Edward Stanley* Clerk, *Edward Stracey*, *Samuel Stone*, *William Smyth*, *Edward Smyth*, *Thomas Taylor Swanwick*, *William Taylor*, *Charles Wood*, and *Samuel Wood*, (being qualified according to the Directions of the said Act,) shall be, and they are hereby added to and joined with the Trustees appointed by or by virtue of the said former Act.

Electing
more Truf-
tees.

III. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof, Ten Days' Notice shall be given as is directed by the said recited Act respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Persons not exceeding Ten, to be Trustees for the Purposes of the said Act, and this Act, in addition to the Trustees hereby and thereby nominated and appointed; and such Trustees so to be appointed, shall have the same Powers as if they had been nominated and appointed in and by the said Act or this Act.

Repeal of
Act relating
to Annual
Meetings.

Meeting to
be held in
December.

IV. And be it enacted, That so much of the said recited Act as enacts that the said Trustees should hold a General Meeting on the first Day of *January* in every Year, at the House of *Thomas Warrington* in *Gawsworth*, and which should be called, The Annual General Meeting of the said Trustees, shall be, and the same is hereby repealed; and the said Trustees shall, and they are hereby required to meet within the Borough of *Macclesfield* on the first *Tuesday* in the Month of *December* in every Year, at Twelve of the Clock at Noon; and at such Annual General Meeting the said Trustees, or any Five or more of them, shall examine and audit the annual Accounts of the Clerk, Treasurer, Surveyors, and Collectors, relating to their respective Offices, upon Oath, and then and there, from Time to Time, to pass such Accounts, or so much thereof, as they shall think fit and proper; and if a sufficient Number of Trustees shall not be present at such Meeting, the Trustee or Trustees then present,

or

or the Clerk to the said Trustees, shall adjourn such Meeting to the next *Tuesday*, and so *toties quoties* until a sufficient Number of Trustees shall be present to settle such Accounts: Provided always, that nothing herein contained shall extend, or be construed to extend to prevent the said Trustees from calling for and examining the said Accounts when and as often as they shall think proper so to do.

V. And be it further enacted, That the said Trustees shall, at their several Meetings to be held in pursuance of the said Act, or this Act, pay and defray their own Expences.

Trustees to pay their own Expences.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said Act and this Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, nor more than one *Impar lance*, shall be allowed.

Same Person not to act as Clerk and Treasurer.

VII. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, to cause to be entered in a Book to be kept by the Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of the said Act and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby or by the said recited Act granted, without any Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take any Copies or Extracts from such Book, without paying any Thing for the same; and in case such Clerk shall refuse to permit such Trustees or Creditors, or any of them to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Ten Pounds.

Book of Accounts to be kept.

VIII. And whereas the Tolls in and by the said recited Act authorized to be taken on the said Road from *Macclesfield* to *Congleton*, have been found insufficient; be it therefore enacted, That the same shall be and are hereby repealed; and instead thereof, the following Tolls shall be demanded and taken on the said Road; (*videlicet*)

For every Horse, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny:

New Tolls.

For

For every Horse drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Curricule, Hearse, Calash, Chaise Marine, or such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, (except Carriages laden with Turf only,) having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, (except Carriages laden with Turf only,) having the Soles of the Fellies of the Wheels of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage laden with Turf only, the Sum of One Penny:

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

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

Tolls vested
in the Trustees.

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

Waggons,
&c. having
Wheels and
Axletrees ac-
cording to
55 G. 3.
c. 119. to
have an
Abatement
of Toll.

IX. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Width and Descriptions, and the Axletrees fixed, as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His present Majesty, intituled, *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls hereby granted.

Tire of
Wheels.

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

Tolls to be
paid but once
a Day.

XI. Provided always, and it is hereby enacted and declared, That no Person who shall have paid the Toll hereby granted for the passing of any Horse or Cattle, through any Turnpike or Side Gate erected or to be erected by virtue of the said Act or this Act, shall be subject or liable on the same Day, to be computed from Twelve of the Clock of the preceding Night to Twelve of the Clock of the succeeding Night, to the Payment of any further Toll for the passing of the same Horse or Cattle through

through all or any of the Gates or Turnpikes erected or to be erected by virtue of the said Act or this Act, such Person producing a Note or Ticket, denoting such Payment; all which Notes or Tickets the Collectors of the Tolls are hereby required upon Receipt of the Tolls to give gratis, and all such Notes and Tickets shall denote and specify the several Gates freed by such Payment.

XII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County, Liberty, or Place, where such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress, and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Settling Disputes concerning Tolls.

XIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll-Gate erected by virtue of the said Act or this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll-House or Toll-Gate immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in Proportion, and painted in white Letters on a black Ground, or black Letters on a white Ground, and shall continue the same so placed, during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Act and this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor or other Officer, or to any Person or Persons travelling upon the said Road, or shall without sufficient

Toll Collectors to put up their Names, &c.

[Local.]

21 L

Cause.

Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by the said first-recited Act directed to be recovered and applied.

To prevent
Evasion of
Toll.

XIV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land, Ground, or Place, or any of his or their Family or Servants), or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a Public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast, or Carriage through or over the same, with Intent to evade the Payment of the said Tolls, or any Part thereof, or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collectors of the Tolls, or unload or cause to be unloaded any Goods, Wares, or Merchandize, or take off or cause to be taken off any Horse or other Beast from any Carriage, or, having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage with an Intent to evade the Payment of the said Tolls, or any Part thereof, every such Person so offending in any of the Cases aforesaid shall for each Offence forfeit any Sum not exceeding Forty Shillings, One Half whereof shall be paid to the Informer, and the other Half shall be applied towards the Purposes of this Act.

Exemptions.

XV. Provided always, and be it further enacted, That no Tolls shall be demanded or taken by virtue of the said recited Act, or of this Act, for any Horse or other Beast, drawing any Cart, or other such like Carriage, from any Part of the several Parishes or Townships, through which the said Road passes, to any Mill in the same Parish or Township, (not travelling for Hire,) employed in carrying Corn and Grain only, and which shall have been purchased for the Purpose of being ground into Meal or Flour at such Mill, or returning empty after having been so laden, or going empty for or returning laden with Meal or Flour only, ground at the said Mill, arising from such purchased Corn; and that no Toll shall be demanded or taken by virtue of the said recited Act, or this Act, for any Horses, or other Beasts or Cattle, employed in carrying or conveying Stones, Gravel, or other Materials for the making or repairing of the said Roads, or any Road or Highway in the Township in which such Roads do lie; nor for any Horse, Cattle, or Carriage, carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been only employed in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Dung, Compost, or Manure, employed in Husbandry, for manuring or improving Lands (Chalk and Lime excepted); nor for any Horse, or other Beast or Cattle, going to or returning from Water or Pasture; or for any Horse or Horses carrying or conveying any Person to or from his or her Parish Church or usual Place of Divine Worship on *Sundays*, or any other Day on which Divine Service is ordered

ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die or be buried in any of the Parishes wherein the said Roads lie; or carrying any Clergyman going to or returning from visiting any sick Person, or other his parochial Care or Duty; or for any Horses employed in the Conveyances of Vagrants sent by legal Passes; or for any Horses belonging to any Officers or Soldiers upon their March or upon Duty; or for any Horses or other Beasts, Cattle, or Carriages, employed in carrying or conveying the Arms, or Baggage, of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horses or Carriages employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses carrying or conveying any Person to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Chester*, during the Time of such Election, or on the Day before or Day after such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds, whereof one Moiety shall go to the Informer, and the other Moiety towards the Repair of the said Roads.

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

XVII. And be it further enacted, That so much of the said recited Act as empowers the Surveyor or Surveyors of the said Roads to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials for the Purpose of repairing or amending the said Roads, from

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

1883

Repeal of Power for getting Materials.

from any Lands and Grounds, and in the Manner therein mentioned, shall be and the same is hereby repealed.

Power to get
Materials.

XVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making and repairing the said Roads out of any common River or Brook, or out of or from any Waste or Common within any Parish, Township, or Place in which any Part of the said Roads lie, or within any Parish, Township, or Place adjoining thereto, without paying any Thing for such Materials, the said Surveyor or Surveyors or other Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint may, by Order of any Justice or Justices of the Peace for the said County, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, take, and carry away any such Materials in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any One Justice of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of the said Justice therein shall be subject to Appeal to the Quarter Sessions, if the Parties shall choose, in Manner in the said Act mentioned.

Notice to be
given before
Materials
taken.

XIX. And be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of the said Act, or this Act, to dig, cut, gather, get, take, or carry away any Materials proper for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any One or more Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner, or Occupier, or Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they think proper, authorize such Surveyor or
other

other Person to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear, by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they, or any of them, are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner, or Occupier, or his Agent had attended.

XX. And be it further enacted, That no Gate of any Park, Paddock, or Field, shall be made to open towards the said Road, or shall be suffered to continue so to open unless the hanging Posts thereof shall be Thirty Feet at the least from the Centre of the Road, and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof shall open towards the said Road, shall within Fourteen Days after Notice from the Surveyor or Surveyors of the said Road, cause such Gate to be altered in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, and in default thereof the said Surveyor or Surveyors is and are hereby authorized to cause such Gate to be taken down, and afterwards fixed up in the Manner hereinbefore directed; and the Person or Persons making Default shall, upon Complaint made to any Justice of the Peace for the said County of *Chester*, and on Conviction thereof, on the Oath of One credible Witness, pay to such Surveyor or Surveyors such Sum as the said Justice shall direct for defraying the Expence of such Alteration, and shall also forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Gates to open
inwards.

XXI. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners, and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any Thing in the said recited Act contained to the contrary hereof in anywise notwithstanding.

In diverting
Roads not to
deviate more
than 100
Yards.

XXII. 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 Act or of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other 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 this and the said former 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 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 or Redemp-

Application
of Compensation
Money
in certain
Cases, where
the Sum ex-
ceeds 200l.

tion of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, 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, 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 Purchases shall be made, the said Money shall by order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant-General in his Name, in the Purchase of Stock in the Three *per Centum* consolidated Bank Annuities, or Three *per Centum* reduced Bank Annuities, and in the 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 thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Under 200l.
and above
20l.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing, under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this and the said former 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 manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
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XXIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to
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the Use of the Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

In case of bad Titles, or Venders declining to execute.

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

Disputed Titles.

faction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be applied and disposed of accordingly, unless it shall be made appear to the said Court 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.

The Court of Chancery may order Trustees to pay Expences.

XXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this and the said former 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 and the said former 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 accordingly pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Work.

XXVIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Chester*, and they are hereby required and empowered upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order, Yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places, in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Fourteen Days after 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 or may be directed by any Law or Statute in force or 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
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be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, upon the said Road as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times, (not being Haytime 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 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 Act 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 usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force or 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 Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Highways; and if any Surveyor of the Highways for any of the Parishes or Places shall refuse, or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Offender so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the Trustees for putting the said recited Act and this Act into Execution or any Five or more of them, out of any Money which hath already arisen by virtue of the said recited Act, or out of the first Money which shall arise by virtue thereof and of this Act, in preference to all other Payments whatsoever. Expences of Act how to be paid.

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

[Local.]

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XXXI. And

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57° GEORGII III. Cap. lxxv.

Commence-
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of this Act.

XXXI. And be it further enacted, That this Act shall commence on the First Day of *July* One thousand eight hundred and seventeen, and together with the said recited Act (subject to the Alterations and Amendments herein contained) shall continue in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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Printers to the King's most Excellent Majesty. 1817.