



ANNO SEXTO

# GEORGIIV. REGIS.

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## Cap. xcviij.

An Act for more effectually repairing and improving the Road from *Sheffield* in the County of *York* to the *Marple Bridge Road* in the Parish of *Glossop* in the County of *Derby*, and the Branch to *Mortimer's Road* in the Parish of *Hathersage* in the said County of *Derby*.

[20th May 1825.]

**W**HEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the Town of Sheffield in the County of York, to join the Marple Bridge Road in the Parish of Glossop in the County of Derby, with a Branch to Mortimer's Road in the Parish of Hathersage in the said County of Derby*: And whereas some considerable Sums of Money have been borrowed and are now due and owing on the Credit and Security of the Tolls authorized to be collected by the said recited Act, and of the Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereto belonging, which Money cannot be repaid, nor can the said Road and Branch be properly amended and kept in repair, unless further Provisions are made for those Purposes: 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*

58 G.3. c. 35.

3 G.4. c. 126.

[Local.]

27 E

Turnpike

*Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His present 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 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for repairing and maintaining Turnpike Roads*: And whereas it is expedient that the said first-recited Act should be repealed, and that further Provision should be made for the Repair of the said Road and Branch in manner herein-after mentioned; May it therefore please Your Majesty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 Twenty-third Day of *June* next after the passing of this Act, the said recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby repealed, and from thenceforth this Act, and the Tolls hereby made payable, and the Powers and Provisions herein contained or referred to, shall commence and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, improving, maintaining, and keeping in repair the present Turnpike Road from the Town of *Sheffield* aforesaid to the *Marple Bridge* Road in the Parish of *Glossop* aforesaid, and the said Branch to *Mortimer's Road*, which said Road shall be called "*The Sheffield and Glossop Road.*"

Recited Act  
58 G. 3. c. 35.  
repealed, and  
this Act to  
take effect.

New Term  
and Tolls  
liable to for-  
mer Debts,  
&c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, to be taken at the several Turnpikes, Toll Gates, and Side Gates erected or authorized to be erected upon, across, or by the Sides of any Part of the said Road and Branch, 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 or become due and owing on the Credit or Security of the Tolls granted by this Act, but subject nevertheless to such Deeds, Contracts, Covenants, Agreements, Provisions, and Regulations, as have been made and entered into respecting the same Monies, or any Part thereof, and which Deeds, Contracts, Covenants, Agreements, Provisions, and Regulations shall not be affected by this present Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Act hereby repealed into Execution, shall be liable to the Payment thereof to the Trustees for executing this Act.

Bonds, Cove-  
nants, &c.  
under old  
Acts to be  
valid.

III. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Act hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Act, shall remain in full Force and Effect, and be and

continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Persons or Person on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively; the Repeal of the said recited Act, or any Law to the contrary notwithstanding.

IV. And be it further enacted, That all Books kept for registering Mortgages and Assignments and other Securities, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees for executing the said Act hereby repealed, and which were made Evidence thereby, or by any Act heretofore in force, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Books kept under the former Act to be Evidence.

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 varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied or 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 and Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are 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 or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act into Execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

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

VI. Provided always, and be it further enacted, That the Treasurer, if 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 the Clerk, Surveyors, and all other Officers who have been duly appointed under, and are now employed in the Execution of the said first-recited Act hereby repealed, shall hold and enjoy such their respective Offices and Employments under the Trustees for executing this Act, until they shall respectively die, resign, or be removed by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Surveyor, and other Officer shall have 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.

Officers to continue until new ones appointed.

VII. And

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of York and County of Derby respectively, and the Right Honourable Lord George Henry Cavendish, the Right Honourable the Earl of Surrey, Lord Kinnaird, the Honourable John Simpson, the Honourable James Abercrombie, Sir William Chambers Bagshaw, Richard Arkwright, William Ashby Ashby, Robert Arkwright, George Andrew, John Atherton, Samuel Avison, Robert How Ashton, William John Bagshaw, George Barker, Stephen Bellot, Robert Buck, Alexander Bossley, Ebenezer Bowman, Robert Bennett, John Beeley, William Barber, Peter Brownell, Ralph Blakelock, Richard Broomhead, Ebenezer Brooks, Robert Brightmore, John Bennet, James Burbeary, Benjamin Burbeary, Charles Brookfield, Jonathan Beet, Richard Beet, the Reverend William Bagshaw, the Reverend Charles Cecil Bates, John Brightmore, Henry Cavendish, Charles Cavendish, John Champion of Edale, D'Ewes Coke, Francis Cooper, Hugh Cheney M.D. Benjamin Colley, William Colley, John Cotterill, Peter Cadman, George Cooper, John Charge, Thomas Denman, Thomas Dalton, John Dalton, John Dewsnap, Thomas Dewsnap, John Doncaster, Robert Dodge, Matthew Ellison, Michael Ellison, Thomas Ellison, John Eadon, John Eyre, the Honourable and Reverend Robert Eden, the Honourable Francis Eyre, Samuel Frith, Matthew Frost, Nathaniel Fuesdale, Thomas Furniss, Richard Flint, William Fairbank, Josiah Fairbank, Thomas Foster, Francis Frith, Thomas Fenton, Samuel Greatrix, James Gregory, Philip Gell, Charles Greaves, John Greaves, George Bustard Greaves, John Genn, John Greaves of Fargate in Sheffield, George Goodwin, Isaac Hall, Joseph Hall, Philip Heacock, George Hadfield, Samuel Hadfield, William Hadfield, Joseph Hadfield, Christopher Howe, Thomas Holy, William Hodgson, William Harwood, John Housman, Thomas Harrison, John Hodgson, Daniel Holy, Francis Hoole, Arthur Heathcote Heathcote, Jonathan Jowitt, James Jowitt, Matthew Ibbotson, George Ibbotson, John Kershaw, William Kershaw, James Kershaw, Henry Kelsall, Arnold James Knight M.D., John Kaye, James Longden, James Longden junior, John Lingard, Robert Lees, Samuel Lucas, Richard Longden, Thomas Longden, Marmaduke Middleton Middleton, Samuel Marsland, Joseph Moss, James Mander, Thomas More, Samuel Mitchell, John Millward, Francis Melland, George William Newton, Robert Needham, George Newton, James Antrobus Newton, William Newbould, Thomas Newbould, George Naylor, William Nightingale, Edward Nanson, Robert Needham (Perry Foot), William Newman, Francis Owen, Samuel Oldknow, Hall Overend, Hugh Parker, Adamson Parker, Francis Parker Clerk, Kenyon Stevens Parker, Nathaniel Philips D.D., Thomas Pearson, Samuel Ratcliffe, Joseph Robinson, William Rhodes, John Rimington, James Rimington, William Ronksley, William Rowley, Alexander Radford, Ashton Ashton Shuttleworth, Arthur Heathcote Shepley, Robert Shepley, Samuel Shepley (Charlesworth), Samuel Shepley (Brookfield), George Sidebottom, Thomas Shaw, Peter Spurr, Thomas Sanderson, Samuel Smith, Offley Shore, John Shore, Samuel Shore, Samuel Shore junior, Thomas Sutton Clerk, Sidney Shore, Benjamin Sayle, Joshua Spooner, John Sanderson, the Reverend Richard Smith Clerk, the Reverend Spencer, Bache Thornhill, Henry Bache Thornhill, Robert Thornley, John Thornley, Thomas Thornley, Joseph Thornley, William Turner, Robert Turner, John Taylor, Jonathan Taylor, William Taylor, Jonathan Thornhill, William Tomason, John White, John White, Nathaniel Wright, John Wood, William Wardlow, Joseph Withers, Hugh Worthington,

*Worthington, Thomas Wilkinson, George Woollen, James Wheat, Bernard John Wake, John Wright, William Wilson, Joseph Wilson, Thomas Wilson, John Watson, David Ward, Peter Wright, Benjamin Wyatt, William Younge M.D., George Young, and William Young,* being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be Trustees for repairing the said Road and Branch, and for putting this Act into Execution.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their first or at any subsequent Meeting to be held in pursuance of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Persons so elected and appointed (being duly qualified according to the Provisions or Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty) shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed Trustees in and by this Act.

Power to appoint additional Trustees.

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

Treasurer and Clerk not to be the same Person.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Tontine Inn* in *Sheffield*, or at some other convenient Place on the Line of the said Road, on the Twenty-

First Meeting.

[Local.]

fourth Day of *June* next 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 in the Neighbourhood of the said Road, as they the said Trustees shall think proper.

Toll Gates  
may be con-  
tinued or  
new ones  
erected

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to continue, replace, or remove all or any of the Toll Gates and Toll Houses which have at any Time heretofore been erected, or which now stand and are in and upon or across the said Road and Branch, or any Part thereof, or on the Sides thereof, and to erect, set up, and build, or cause to be erected, set up, and built, in, upon, or across the said Road and Branch, or any Part thereof, or on the Sides thereof, such and so many Toll Gates, Turnpikes, Side Bars, Chains, and Weighing Machines, with Toll Houses, Outbuildings, Lamps, and other Conveniences thereto; and also to take in and inclose on the Sides of the said Road and Branch, or any Parts thereof, convenient Garden Spots for each of the said Toll Houses (not exceeding One-eighth Part of a Statute Acre to each Toll House), as the said Trustees shall think fit, and direct or appoint; and shall and may from Time to Time remove, alter, or discontinue the same, or any of them, as they the said Trustees shall think expedient.

Lamps to be  
lighted at  
Toll Houses.

XII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper; and also to order and direct at what Times of the Year, and during what Hours, such Lamp or Lamps, or any of them, shall be kept lighted; and all and every Collectors and Collector of the Tolls authorized by this Act to be taken and collected, appointed by the said Trustees, and also all and every Lessees or Lessee thereof, and all and every Persons and Person appointed by such Lessees or Lessee, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission, to be recovered and applied in such and the same Manner as Penalties incurred by Offences against the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty are by such Acts directed to be recovered and applied.

Tolls to be  
taken.

XIII. And be it further enacted, That the Tolls following shall and may be demanded and taken by the said Trustees, or any Person or Persons by them authorized, at each and every of the Turnpikes or Toll Gates to be continued or erected by virtue of this Act, before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Landau, Chaise, Chariot, Curricule, Berlin, Chair, Gig, or such like Carriage, or any Hearse, the Sum of Nine-pence; and for every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, the Sum of Sixpence.

For

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number exceeding One; and for One singly, the Sum of One Halfpenny :

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Two-pence Halfpenny *per* Score; and so in proportion for any greater or less Number.

Which said respective Tolls, and all other Tolls by this Act imposed or authorized to be imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, subject to all such Mortgages and Assignments, Deeds, Contracts, Covenants, Agreements, Provisions, and Regulations as have been duly made and entered into respecting the Tolls granted and made payable by the said first-recited Act, and to such as may hereafter be duly made respecting the Tolls by this Act granted and made payable.

XIV. Provided, always, and be it further enacted, That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, or Beast through any one of the Toll Gates to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting such Payment being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Toll Gate or Toll Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, except as herein-after provided.

Tolls to be paid but Once a Day at the same Gate.

XV. And be it further enacted, That no more than Two full Tolls shall be demanded, or taken for the passing of any Horse, Beast, or Cattle through all the Toll Gates erected or to be erected on that Part of the said Road leading from *Alport Bridge* in the Hamlet of *Woodlands* in the County of *Derby* to *Glossop* aforesaid, on the same Day; and that all and every Persons and Person, producing Tickets of the Day (which Tickets the Collectors are required to give *gratis*), denoting the Payment of such Tolls at any one of such Gates as aforesaid, shall pass Toll-free through all other the Toll Gates erected or to be erected on the same Length of Road.

Not more than Two full Tolls to be taken between *Alport Bridge* and *Glossop*.

XVI. And be it further enacted, That there shall at all Times during the Continuance of the Term granted by this Act be demanded and taken from Persons travelling along the said Road with any Horse, Beast, Cattle, Cart, or Carriage, the same Number of Tolls betwixt *Ashopton Bridge* in the Hamlet of *Derwent* in the said County of *Derby* and *Glossop* aforesaid, as shall be demanded and taken betwixt *Ashopton Bridge* and *Sheffield* aforesaid; and that at no Time during the Continuance of the said Term shall there be a greater or less Number of Tolls payable by any Person or Persons travelling along the whole Line of Road between the said Bridge and *Sheffield*, than between the same Bridge and *Glossop*.

The same Number of Tolls to be taken betwixt *Ashopton Bridge* and *Glossop* as betwixt *Ashopton Bridge* and *Sheffield*.

XVII. Provided also, and be it further enacted, That for every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage,

A Half Toll to be paid in certain Cases.

Carriage, laden, which shall have passed on any Day through any Turnpike or Toll Gate to be continued or erected upon the said Road and Branch, and which shall again pass through any such Turnpike or Toll Gate on the same Day with a fresh Load, One Half Toll shall be paid for every such subsequent Passage, as often as the Case shall happen.

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

XVIII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or re-passing along the said Road and Branch, or either of them.

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

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

A Halfpenny to be taken when the Tolls amount to the fractional Part of a Halfpenny.

XX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

No Toll to be demanded at Ashopton Bar for any Horse, &c. travelling less than One hundred and fifty Yards upon the said Road.

XXI. And whereas Part of the said Turnpike Road extends along and crosses a certain ancient Highway leading from *Derwent* to *Bamford*, both in the said County of *Derby*, for the Distance of Ninety Yards or thereabouts, commencing at or near the West End of *Ashopton Inn*, and ending at the West Side of the Toll Bar lately erected near the said Inn: And whereas the said Highway is very narrow and uneven, and difficult for loaded Carriages to travel over, for the Space of about Fifty Yards, commencing at the said Toll Bar leading to *Bamford* aforesaid, and a new Division has been formed from the said Turnpike Road, commencing about Forty Yards on the East Side of the said Toll Bar, and divers Persons use the said ancient Highway who do not use any other Part of the said Turnpike Road: And whereas it would be more convenient to the Public if the present Entrance of the said Highway, commencing on the West Side of the Toll Bar at *Ashopton* aforesaid, was stopped up, and turned and diverted along the said Road lately formed at the East Side of the said Toll Bar, the same would be a better Road, and more convenient to Persons travelling from *Derwent* to *Bamford* aforesaid, and the said Trustees are willing that the same should be diverted, and the Entrance to the said old Road stopped up, provided such Persons as only travel along the said Turnpike Road so far as the same extends and goes along the said ancient Highway from the West End of *Ashopton Inn* aforesaid to the said new Division, being a Distance of about One hundred and thirty Yards, are not compelled to pay Toll at the said Bar; be it therefore enacted, That no Toll shall be taken at any Toll Bar erected or which may hereafter be erected at or near *Ashopton Inn* aforesaid, for the passing of any Horse, Cattle, or Beast whatsoever, which shall not travel or pass above One hundred and fifty Yards upon the said Road.

XXII. And



XXII. And whereas Part of the said Turnpike Road extends along an ancient Highway called the *Fullwood Road*, leading from *Fullwood* to *Sheffield*, for the Distance of One hundred and eighty-seven Yards, or thereabouts, only, and divers Persons who use that Highway do not use any other Part of the said Turnpike Road; be it therefore further enacted, That no Toll shall be demanded or taken at any Bar erected or to be erected on that Part of the said Turnpike Road, for the passing of any Horse, Cattle, or Beast through any such Bar, and not passing or going on any other Part of the said Turnpike Road.

No Toll for passing along the Fullwood Road only.

XXIII. Provided always, and be it further enacted, That such Part or Parts of the said Road in or adjoining the Town of *Sheffield* as is or are now pitched and paved, and so maintained and kept in repair by the Surveyor or Surveyors of the Highways, in like Manner as the Streets of the said Town are pitched and paved, maintained, and kept in repair, shall no longer be or be deemed to be Part or Parts of the said Turnpike Road; and in case any other Part or Parts of the said Road in or adjoining the said Town shall at any Time hereafter be so pitched and paved, maintained, and kept in repair by the Surveyor or Surveyors of the Highways of the respective Township through or into which the said Road passes, then and from thenceforth such Part or Parts of the said Road which shall be so pitched and paved, maintained, and kept in repair, shall no longer be or be deemed to be Part or Parts of the said Turnpike Road, any thing herein contained to the contrary notwithstanding.

Those Parts of the Road which are or may be pitched and paved and repaired by the Township Surveyors not to be deemed Part of the Turnpike Road.

XXIV. And be it further enacted, That where any Money shall be agreed or awarded for any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, or of any Body Corporate Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees, Releasers in Trust, Guardians or Committees, or any Trustees, or from any Femes Covert or other incapacitated Person or Persons, or of any Tenant or Tenants for Life, or for any particular Estate, 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 *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 His present Majesty, 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 or 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 Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing charged therewith, and settled or assured to the same Uses, Intents, or Purposes;

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

1 G. 4. c. 35.

For where such Monies 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 or Hereditaments, which shall be so conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited to, 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 Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when less than 200*l*. and not less than 20*l*.

XXV. 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 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 by Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in the 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 the Trustees of the said Road, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Application of Compensation Money when less than 20*l*.

XXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in such Cases the same shall be applied to the Use of the Person or Persons who would have been for the Time being entitled to the Rents and Profits of the Land 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

stands for the Use and Benefit of such Person and Persons so entitled respectively.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands, Tenements, or Hereditaments to be 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 so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the 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 be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to adjudge and determine respecting the Right and Title of the Person or Persons so applying, and to order the said Money to be paid to such Person or Persons if the said Court shall think fit, or 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, Titles 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 or Purpose 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.

If Compensation Money be refused, or Titles cannot be made out, &c. the Money to be paid into the Bank.

XXVIII. Provided always, and be it further enacted, That when 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 Privy of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons respectively, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands or Hereditaments, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall

In case of disputed Titles, the Persons in Possession to be deemed lawfully entitled.

shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXIX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands 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 Court of Exchequer, and to be applied in the Purchase of other Lands or Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees of this Act, who shall from Time to Time pay such Sum of Money for such Purposes as the Court shall direct.

Public Act.

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

Commence-  
ment and  
Continuance  
of Act.

XXXI. And be it further enacted, That this Act shall commence and take effect upon the Twenty-fourth Day of *June* next after the passing of this Act, and 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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