



ANNO SEPTIMO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. xl.

An Act for making and maintaining a Turnpike Road from the Great North Road, at *Barnby Moor* in the County of *Nottingham*, to the Turnpike Road leading from *Bawtry* to *Tinsley* in the County of *York*, and from the said *Bawtry* and *Tinsley* Turnpike Road, at the North-east End of *Blackhill Lane*, to the Town of *Rotherham* in the said County of *York*. [11th April 1826.]

**W**HEREAS the Road leading from the Great North Road, at *Barnby Moor* in the County of *Nottingham*, commencing at the Eastern End of *Blyth Lane* in the Parish of *Blyth* in the same County, to the Turnpike Road leading from *Bawtry* to *Tinsley*, at the Western End of *Lister Lane* in the Town of *Maltby* in the County of *York*, passing out of, through, or into the several Parishes, Townships, Hamlets, or Places of *Barnby Moor*, *Torworth*, *Blyth*, *Hodsock*, *Oldcoates*, and *Harworth*, in the said County of *Nottingham*, and *Ewes* and *Malby* in the said County of *York*, and also the Road from the said *Bawtry* and *Tinsley* Turnpike Road, commencing at the North-eastern End of *Blackhill Lane* in the Parish of *Whiston* in the said County of *York*, to the Eastern End of *Wellgate Street* in the Town of *Rotherham* in the

[Local.]

12 M

the

the same County, passing out of or through or into the Parishes or Townships of *Whiston* and *Rotherham* aforesaid, are in certain Parts thereof very much out of repair and incommodious for Travellers, Cattle, and Carriages, and the same cannot be effectually amended, widened, altered, diverted, and kept in good Repair by the ordinary Course of Law: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said 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 an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Nottingham*, or for the West Riding of the County of *York*, together with the Right Honourable Lord Viscount *Milton*, the Right Honourable Viscount *Galway*, Sir *Robert Johnson Eden* Baronet, Sir *John Byng*, Sir *Thomas Woollaston White* Baronet, *John Aldred*, *John Carver Athorpe*, *John Armytage*, *William Alderson* Clerk, *Jonathan Alderson* Clerk, *Thomas Badger junior*, *John Boomer*, *John Barker*, *Samuel Barker*, *Thomas Bosvile*, *Joseph Cowlishaw*, *William Cowlishaw*, *John Crofts*, *Thomas Crofts*, *Charles Champion*, *George Clark*, *Richard Didsbury*, *John Ellison*, *George Savile Foljambe*, *John Fullerton*, *John Fullerton the younger*, *John Fisher*, *Robert Fisher*, *John Foster* Clerk, *John Garland*, *Robert Philip Goodenough* Clerk, *Richard Haywood*, *Roger Haywood*, *William Hett* Clerk, *John Horncastle*, *William Hodgkinson*, *William Hoyle*, *William Jubb*, *Henry Galley Knight*, *Richard Lacy* Clerk, *Frederick Lumley*, *Henry Stephen Milner*, *John Oxley*, *Robert Ramsden*, *George Rolleston* Clerk, *John Rogers*, *John Rudd* Clerk, *John Roodhouse*, *Samuel Russell*, *William Spencer*, *James Jeremiah Spurr*, *William George Shuttleworth*, *Frederick Manners Sutton* Clerk, *Charles Augustus Stewart* Clerk, *John Taylor*, *Edward Townsend* Clerk, *Harry Thompson*, *Henry Walker*, *Samuel Walker*, *George Whitehead* Clerk, *John Whitehead*, *Jeremiah Whitehead*, *Robert Weightman*, *Henry Brown Woodcock*, *Richard Worsley*, *Charles Wright*, and their Successors, being duly qualified according to the Provisions and Directions of the said Acts, to be elected in manner herein-after mentioned, shall be and they are hereby appointed the Trustees for putting this and the said recited Acts into Execution.

Powers of  
recited Acts  
extended to  
this Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof



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

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Four in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, in addition to the Trustees hereby appointed; and such Trustees, so elected and being qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and are hereby invested with the same Powers and Authorities for executing this Act, and the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, as if they had been nominated and appointed Trustees in and by this Act.

Power to  
appoint ad-  
ditional  
Trustees.

IV. And be it further enacted, That the said Trustees shall meet at the *Angel Inn* in *Blyth* in the said County of *Nottingham*, or at some other convenient House or Place on or near the said Roads, on the Second *Tuesday* after the passing of this Act, or as soon after as may be convenient, 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 Roads, as they shall think proper.

First Meet-  
ing of  
Trustees.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who 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 appoint any Person or Persons who may be appointed Treasurer or Treasurers, or 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, 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 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

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



their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, 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.

Power to  
erect Turn-  
pikes, Toll  
Gates, &c.

VI. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Roads or either of them, or any Part or Parts thereof respectively, or at the Side or Sides thereof, where and as they shall judge necessary, any Weighing Machine or Weighing Machines, Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, or Gates, Chain or Chains, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same or any of them, as they the said Trustees shall think proper, and direct or appoint; any Clause, Matter, or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

Power to  
take Tolls.

VII. And be it further enacted, That the several Tolls following shall be demanded and taken at each of the Gates, Bars, or Chains to be erected upon the said Roads, by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse, Mule, Ass, or other Beast or Cattle, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or Beast drawing any Coach, Stage Coach, Barouche, Sociable, Caravan, Van, Landau, Berlin, Hearse, Litter, Chariot, Chaise, Curricule, Calash, Phaeton, Chair, Gig, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

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

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of less Breadth than Four and a Half Inches, the Sum of Sixpence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Four and a Half Inches, and less than Six Inches, the Sum of Five-pence; but if the Axletree, Bushes, and Wheels of any such last-mentioned Waggon, Wain, Cart, or Carriage are made perfectly cylindrical, so that the Wheels thereof roll on a flat Surface, the Sum of Three-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Six Inches or upwards,



upwards, the Sum of Four-pence; but if the Axletree, Bushes, and Wheels of any such last-mentioned Waggon, Wain, Cart, or Carriage are made perfectly cylindrical, so that the Wheels thereof roll on a flat Surface, the Sum of Two-pence:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Quantity:

For every Coach, Chariot, Chaise, or any other Carriage with Four Wheels, and being empty and fixed to any Waggon, Wain, or Cart, or other Carriage, the Sum of One Shilling:

For every Coach, Chariot, Chaise, or any other Carriage with Four Wheels, and being laden and fixed as aforesaid, the Sum of Two Shillings:

For every Chair, Cart, or other Carriage with Two Wheels only, being empty and fixed as aforesaid, the Sum of Sixpence:

For every Chair, Cart, or other Carriage with Two Wheels only, and being laden and fixed as aforesaid, the Sum of One Shilling.

VIII. Provided always, and be it further enacted, That upon Payment of the Tolls hereby authorized to be taken for the passing of any Horse, Beast, Cattle, or Carriage, through any Toll Gate or Turnpike or Side Gate on the Line of the said Roads, such Horse, Beast, Cattle, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night).

Tolls to be paid but Once a Day.

IX. Provided always, and be it further enacted, That no more than Two full Tolls and One Half of a full Toll shall be demanded or taken of or from any Person for or in respect of the same Horses or other Beasts or Cattle, or Carriages, in any One Day (to be computed as aforesaid), for passing or repassing through all the several Toll Gates or Toll Bars erected or to be erected on the whole Line of the said Road.

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

X. Provided also, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon or other Stage Carriage conveying Passengers or Goods for Pay or Reward, licensed or not licensed, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid); and that the said Tolls shall be payable for or in respect of all Horses drawing any Post Chaise, or other Carriage travelling for Hire, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid), as often as a new Hiring thereof shall take place.

Stage Coaches to pay every Time of passing, and Post Chaises, &c. on every new Hiring.

XI. Provided nevertheless, That Half Toll only shall be demanded or taken at any Toll Gate or Turnpike to be erected and set upon any Part

Half Toll only payable between

[Local.]

12 N



Breck's Bar  
and Rother-  
ham.

of the said Road from *Brecks Bar* to *Rotherham*, of or from any Person or Persons, for or in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, and which shall pass through any such Toll Gate or Turnpike, or for or in respect of any Horse, Mule, or Ass, laden or unladen, and not drawing, or for or in respect of any Oxen, Calves, Swine, Hogs, Sheep, Lambs, or other Cattle, which shall pass through any such Toll Gate or Turnpike; and that if more than One Toll Gate or Turnpike shall be erected and set upon any such Part of the said Road, such Half Toll shall not be demanded or taken at more than One of such Toll Gates or Turnpikes.

Subscribers  
to pay their  
Subscrip-  
tions.

XII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Roads shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them, or as the said Trustees shall order and direct, and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any Three of such Trustees, or of their Clerk, and to recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

Application  
of Money  
advanced on  
Mortgage of  
Tolls.

XIII. And be it further enacted, That all the Monies which shall be advanced and lent on Mortgage of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, Buildings, and Appurtenances, shall be applied by the said Trustees to and for the several Uses, Intents, and Purposes, and in the Order following; (that is to say), in the first Place in Payment of the Costs, Charges, and Expences of preparing, obtaining, and passing this Act, and in anywise incident thereto; which Costs, Charges, and Expences shall be ascertained by the said Trustees at their First Meeting to be held after the passing of this Act, or at some other Meeting to be held as soon as conveniently may be afterwards; and in the next Place, in purchasing the Land, Tenements, Buildings, and Hereditaments necessary to be purchased, taken, and used for the Purpose of making, repairing, widening, varying, altering, turning, or improving the said Roads, or any Part or Parts thereof, and the Bridges, Arches, Tunnels, and other Things hereby authorized to be made, and in forming, making, and completing the said Roads, and in erecting, building, and providing the necessary Toll Houses, Gates, and Chains, and the said Bridges, Arches, Tunnels, and other Matters and Things aforesaid; and in paying all the necessary Charges, Salaries, and Expences of the Clerk, Treasurer, Surveyor, Contractors, and other Persons who may be employed in and about the Premises, until the Completion of the said Roads, and other Works hereby authorized to be made.



XIV. And be it further enacted, That all the Monies which shall from Time to Time arise and be received from the Tolls by this Act authorized to be taken, shall be applied by the said Trustees to the Purposes and in the Order following; (that is to say), in the first Place, in paying and keeping down the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages which shall be made in pursuance of this Act; in the second Place, in repairing, maintaining, widening, altering, varying, turning, improving, and rendering commodious the said Toll Houses, Toll Gates, and Roads, and in executing the several other Powers, Purposes, and Trusts of this Act; and in the last Place, in paying the Principal Monies subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act.

Application  
of the Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and divert or alter the said Roads upon, in, over, or through any Lands, Grounds, or Hereditaments described in the Map and Book of Reference herein-after mentioned, of such Width as they shall think proper, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences, as they shall think necessary or expedient, and for such Purpose or Purposes to pull down, or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences are or is intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Roads may  
be made.

XVI. And whereas Maps or Plans describing the Line of the said Roads and the Lands through which the same are proposed to be carried; together with Books or Schedules of Reference, containing respectively a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace for the said County of *Nottingham*, and for the West Riding of the said County of *York*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the Time being of the same County and Riding, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same; and to take Copies thereof or Extracts therefrom, paying to the Clerks of the

Plans and  
Books of Re-  
ference.



the Peace the Sum of One Shilling for every such Inspection; and after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Misnomers  
in the Books  
of Reference.

XVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads hereby authorized to be made into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same are respectively set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons, or of his, her, or their Tenant or Tenants, may happen to be erroneously stated or omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Nottingham*, or for the West Riding of the said County of *York*, and to be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

Deviations  
not to ex-  
ceed certain  
Limits.

XVIII. And be it further enacted, That the said Trustees, in making, diverting, or altering the said Roads described in the said Maps or Plans, or any Part or Parts thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent or Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Width of  
Roads.

XIX. And be it further enacted, That the said Roads hereby authorized to be made shall be made in such Manner and of such Width as the said Trustees shall think necessary and proper, not exceeding Sixty Feet over any Commons or Waste Grounds, and not exceeding Forty Feet over any other Lands and Grounds.

Trustees  
restrained  
from pulling  
down Dwell-  
ing Houses,  
&c. without  
the Consent  
of the  
Owner.

XX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed, marked (A.)

Limiting  
Period for  
purchasing  
Property.

XXI. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them hereby and thereby granted for such Purpose



Purpose shall cease, determine, and be utterly void and of no Effect, any thing herein contained to the contrary thereof in anywise notwithstanding.

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 Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the 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 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 Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby

[Local.] 12 O directed

Application  
of Compens-  
ation  
Money when  
amounting  
to 200l.

1 G. 4. c. 35.



directed to be purchased, in case such Purchase or Settlement were made.

Application  
when less  
than 200*l.*  
and exceed-  
ing 20*l.*

XXIII. 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, and 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 of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Where less  
than 20*l.*

XXIV. And be it further enacted, That where such Money so agreed or awarded to be paid as 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the 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.

In case of  
not making  
out Titles,  
&c. the  
Money to be  
paid into the  
Bank.

XXV. 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 of the Third and Fourth Years of the Reign of His said present Majesty and 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 be lawful for the said Trustees 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 Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the



Persons interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXVI. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and 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 Acts and 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 be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be 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.

XXVII. 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, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, 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 such last-mentioned Purchases from Time to Time to be made in pursuance of this

Persons in Possession presumptively entitled.

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



this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVIII. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Lands, Fields, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or cross the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; such Trustees nevertheless making Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them may sustain thereby in manner directed in the said Act of the Fourth Year of the Reign of His said present Majesty, and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels or Plats, when made and completed by the said Trustees, shall for ever after be scoured and cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Lands, Fields, or Gardens, but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

No Flood-  
gates or Ob-  
structions in  
the Water-  
courses to be  
made so as to  
injure the  
Roads.

XXIX. And be it further enacted, That if any Person shall, after the passing of this Act, erect or place any Sluice, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Roads or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads, or any Part thereof, or shall deepen or widen any Ditch, Drain, or Watercourse already made into or on the Sides of the said Roads or any Part thereof, or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse lying on the Outside of his, her, or their Paling, Hedges, or other Fences, then and in every such Case it shall be lawful for the Surveyor to the said Trustees, and the several Workmen to be employed by him, to take down and remove every such Sluice, Dam, Floodgate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and the Person erecting



erecting or placing such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences, as aforesaid.

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.

XXXI. And be it further enacted; That this Act shall commence upon the passing thereof, and shall from thenceforth continue and be in force for and during Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-  
ment and  
Continuance  
of Act.



## SCHEDULE (A.) to which the Act refers.

No. on the Plan.	Description of Premises.	Names of Owners or reputed Owners.	Names of Occupiers.	Townships where situate.	County.
6	A Garden	Rev. George Rolleston	John Steel - -	Maltby	York.
7	A Yard -	Sir Rob <sup>t</sup> J. Eden, Bart.	Saml Clarke -	Ditto	Ditto.
8	A Garden	Ditto - -	Ditto	Ditto	Ditto.
9	A Garden	William Herring - -	James Cowkham -	Ditto	Ditto.
10	A Garden	Mary Herring - -	Mary Herring - -	Ditto	Ditto.
12	A Garden	Samuel Norman, as Master of Maltby School - -	Samuel Norman -	Ditto	Ditto.
61	A House	Henry Walker, Esq. -	Jonathan Bell, jun.	Blyth	Nottingham.
62	A Nursery, &c.	Judith Wilson - -	Charles Mills - -	Ditto.	Ditto.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1826.