

or hereditaments or affecting any other lands tenements or hereditaments standing settled therewith to the same or the like uses trusts intents or purposes, or where such money shall not be so applied then the same shall be laid out and invested under and with the like direction and approbation of the said Court in the purchase of other lands tenements or hereditaments which shall be conveyed and settled to for and upon such and the like uses trusts intents and purposes, and in the same manner as the lands tenements 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 the conveyance and settlement shall be existing undetermined and capable of taking effect; and in the mean time and until such purchase shall be made, the said money shall by order of the said Court of Chancery, upon application thereto, be vested by the said Accountant-General in his name in the purchase of three pounds *per centum* Consolidated or three pounds *per centum* Reduced Bank Annuities; and in the mean time and until 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 and profits of the said lands tenements and hereditaments so to be purchased under the authority of this Act in case such purchase or settlement were made.

Where less than £200, and exceeding £20.

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 any disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds and shall 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 of *England*, with the privy and in the name 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 five or more of the Trustees for executing this Act, such nomination and approbation to be signified in writing under the hands of the

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 be applicable without obtaining or being required to obtain the direction and approbation of the said Court of Chancery.

Provided also and be it further enacted, That when such money so agreed or awarded to be paid as last before mentioned shall not exceed twenty pounds, then and in all such cases the same shall be applied to the use of the person or persons who would for the time being have been entitled to the rents and profits of the lands tenements or hereditaments so purchased taken or used for the purposes of this Act, in such manner as the said Trustees or any five or more of them shall think fit, or in case of infancy or lunacy then to his her or their guardian or guardians committee or committees to and for the use and benefit of such person or persons so entitled respectively.

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 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 or any five or more of them to order the said sum or sums of money so awarded as aforesaid to be paid into the Bank of *England*, in the name and with the privy 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 controul 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 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 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.

When any question shall arise touching the title to money to be paid, the person who shall be in possession of the lands, &c. at the time of such purchase, shall be deemed entitled there-to according to such possession.

Provided always 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 said Court of Chancery in pursuance of this Act, for the purchase of any lands tenements or hereditaments or of any estate right or interest in any lands tenements or hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such money, or to the dividends or interest of any such Bank Annuities, the person or persons who shall have been in possession of such lands tenements or hereditaments at the time of such purchase and all persons claiming under such person or persons or under the possession of such person or persons shall be deemed and taken to have been lawfully entitled to such lands tenements or hereditaments according to such possession until the contrary shall be shewn to the satisfaction of the said Court of Chancery, and the dividends or interest of the Bank Annuities to be purchased with such money, and also the capital of such Bank Annuities shall be paid applied and disposed of accordingly, unless it shall be made appear to the said Court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such lands tenements or hereditaments or to some estate or interest therein.

The Court may order reasonable expences of purchases to be paid by the Trustees.

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 Act, the purchase-money for the same shall be required to be paid into the said Court of Chancery, 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 Act, or so much of such expences as the said Court shall deem reasonable 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.

And be it further enacted, That it shall be lawful for the surveyor or surveyors of the said Trustees, the said surveyor or surveyors having first obtained the order of some justice or justices of the peace as hereinafter mentioned, and such persons as he or they shall appoint to search for dig gather take and carry away any stones gravel sand or other materials in or out of the land of any person in any parish hamlet township vill or place in which any part of the said roads shall lie and be situate, (not being an orchard garden 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 to the owners or occupiers of the lands where and from whence the same shall be dug gathered or carried away or over which the same shall be carried as the said Trustees or any five or more of them shall judge reasonable; and in case of any difference between the said Trustees surveyors or other persons appointed and employed as aforesaid, and the owners or occupiers of such lands or any of them concerning such payments and damages as aforesaid, any one or more justice or justices of the peace acting in and for the county division or place from whence such materials shall have been taken shall be situate, on fourteen 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.

For getting materials to repair the road.

And be it further enacted, That it shall not be lawful for any surveyor or any person or persons acting under the authority of this Act to dig gather get take or carry away any materials for repairing the said roads out of or from any inclosed land or ground until notice in writing signed by the surveyor of the said Trustees, 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 justice or justices of the peace acting in and for the county division or place wherein the same shall happen to be, to shew cause why such materials should not be had from such land or ground; and in case such owner or occupier or his or her agent shall attend pursuant to such notice but shall not shew sufficient cause to the contrary, such justice or justices shall if he or they shall think proper authorize such surveyor or other person or persons to dig gather get take and carry away such materials; and if such owner or occupier shall neglect or refuse to appear by himself or herself or his or her agent, such justice or justices may (upon proof on oath of the service of such notice, and which oath he or they is and are hereby empowered to administer) make such order therein

Notice to be given before materials taken.



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 or her agent had attended.

Penalty on taking away materials raised by surveyors.

And be it further enacted, That if any person whomsoever shall take away any materials which shall be dug gotten or gathered in any lands fields grounds wastes or commons rivers or brooks for the repair or use of the said roads or any of the purposes aforesaid, or shall get raise take or carry away any materials out of or otherwise interfere with or obstruct the working of any pit or quarry which shall have been made or opened for the purpose of getting materials for making and repairing the said roads or any of the purposes aforesaid before the said surveyor or surveyors or his or their workmen shall have discontinued working therein for the space of three calendar months (except the owner or occupier of the land in which such pit or quarry shall be made as to materials for his or her own private use only, and not for sale) every person so offending shall for every such offence forfeit and pay a sum not exceeding five pounds.

For removing annoyances and nuisances.

And be it further enacted, That it shall be lawful for the said surveyor or surveyors and such person or persons as he or they shall appoint from time to time to remove and prevent all nuisances and annoyances made on any part of the said roads, by timber wood stone carriages saw-pits or other pits hovels trees ashes dung filth rubbish straw or other matter or thing, and to turn or divert any watercourses gutters sinks conduits or drains running into along or out of the said roads to the prejudice thereof, and to open scour or cleanse widen deepen and enlarge any gutter ditch conduit or watercourse adjoining or near to the said roads or any part thereof, and to make the same as deep and large as such surveyor or surveyors shall think necessary; and also to prune cut down or lop at proper seasons of the year any branches of trees shrubs or bushes growing on the said roads or in the hedges fences or banks adjoining thereto, so as the same be not planted for ornament or shelter to any house or other building, or in any garden orchard planted walk avenue to a house or nursery for trees, and to take and carry away the prunings or loppings thereof, and to cut and reduce all such hedges to the height of five feet, in case the persons occasioning such nuisances and annoyances shall neglect to remove the same within the space of ten days after notice from the surveyor or surveyors, or if the owners or occupiers of the lands shall neglect to turn divert open scour cleanse widen or deepen such watercourses or ditches or to lop or top or remove such

such branches of trees shrubs or bushes, or reduce such hedges in such manner as the surveyor or surveyors shall require for the space of ten days next after notice in writing given for those respective purposes, under the hand or hands of such surveyor or surveyors, or so near thereto as the proper season will allow for such reducing of hedges or cutting or lopping of branches of trees, the charges whereof (to be settled by the said Trustees or any five or more of them or by any justice of the peace acting in and for the county division or place where the same shall occur, by writing under their or his hands or hand,) shall from time to time be reimbursed to the said surveyor or surveyors by such respective owners or occupiers neglecting to turn open scour or cleanse or to deepen widen and enlarge any such gutter ditch conduit drain or watercourse, or to prune cut down or lop such branches of trees shrubs or bushes, or to cut or reduce such hedges or by the person or persons occasioning or neglecting or refusing to remove such annoyances as aforesaid, which charges shall be recovered levied applied and disposed of in such manner as the penalties forfeitures and fines are by this Act directed to be recovered levied and applied; and if after the removal of any such annoyances any person or persons shall offend again in like manner, every such person shall for every such second or subsequent offence forfeit and pay any sum not exceeding five pounds over and above the expences and charges thereby occasioned.

And be it further enacted, That if any person shall from and after the commencement of this Act encroach by making or causing to be made any dwelling-house or other building wall hedge ditch or other fence on any part of such roads (except turnpike-houses and appurtenances thereto erected by order of the said Trustees,) every person so offending shall forfeit for every such offence the sum of five pounds to such person as shall give information of the same; and it shall be lawful for the said Trustees or any five or more of them by order under their hands made at a public meeting or some adjournment thereof directed to their surveyor to cause such dwelling-houses buildings walls hedges ditches or other fences to be pulled down or filled up at the expence of the person or persons to whom the same shall belong; and it shall and may be lawful for any justice or justices of the peace acting in and for the county division or place where any such offence shall be committed upon proof thereof to him or them made upon oath (which oath such justice or justices aforesaid is or are hereby empowered to administer,) to levy as well the expences of taking down such dwelling-houses buildings walls hedges and fences and filling up the ditches

For preventing encroachments on the sides of the road.



ditches as aforesaid, as the penalty hereby imposed by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner or owners on demand.

Arrears and property belonging to former Trustees, vested in the Trustees named in this Act.

And be it further enacted, That all arrears of tolls or rents or other monies due to and property real or personal, and all choses in and rights of action either at law or in equity, vested in the Trustees under the said recited Acts of the thirtieth year of the reign of King George the Second, and the fifth and thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, or any of them, shall immediately on the commencement of this Act, be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to receive and take possession of the same and to recover the same, and for that purpose to cause to be commenced and prosecuted all actions and suits at law or in equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such arrears of tolls or rents or other monies so due to the Trustees under the said recited Acts as aforesaid, by virtue of any deed or specialty, shall or may be sued for and recovered in the name of the Trustee or Trustees to or with whom such deed or specialty shall have been so made or entered into or the survivor or survivors of them, at the option or election of the Trustees named in or to be appointed by virtue of this Act, and all the costs to be incurred by the Trustees or persons in whose names such proceedings shall be had, shall be paid and defrayed by and out of the monies to be raised by virtue of this Act, and the monies when recovered shall be paid over to the treasurer of the said Trustees to be applied for the purposes of this Act.

Road may be measured, and mile-stones erected.

And be it further enacted, That the said Trustees may if they think fit, cause the said roads to be measured, and stones or posts to be placed in or near the sides of the said roads, and also to cause to be erected direction-posts upon such parts of the said roads where the same are crossed or joined by other roads as they shall think proper; and if any person or persons shall wilfully pull up or damage any bridge or bridges culvert or culverts direction or mile-post or stone, erected or fixed in across or near the side or sides of the said roads, or shall obliterate or deface any of the letters figures or marks inscribed thereon, or if any person shall ride upon any footpath or causeway formed upon or on the side of or adjoining the said roads, or shall drive or lead any horse beast or swine, or wheel any hand-cart barrow or other carriage upon or cause any damage

No. 8.

damage to be done to any footpath or causeway, or if any person shall cause to be hauled or drawn upon any part of the said roads any timber stone or other thing (except upon four-wheeled carriages,) or shall suffer any timber stone or other thing which shall be carried upon wheel-carriages to drag upon the said roads to the prejudice thereof, or if any person driving any pigs or swine upon the said roads shall suffer the same to root up and damage the same or the fences on either side thereof, or if any person shall turn or suffer any horse cow mule ass beast sheep or swine to be turned on or to be or remain upon the said roads to graze or depasture on the sides thereof, or if any higher hawker pedlar gipsy or other person travelling with any machine vehicle cart or other carriage or with or without any horse mule or ass, shall pitch any tent or encamp upon or by the side of any part of the said roads, or if any person driving any carriage upon the said roads shall ride on the shafts or other part of the said carriage without holding the reins of the horse or horses, or meeting another carriage shall not keep his or her carriage on his or her left or near side of the said roads and also keep on the same side himself, or if any person shall in any other manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon the said roads, or if any person shall kill or singe any hog pig or swine, or shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib rocket serpent or fireworks whatsoever within forty yards from the centre of any part of the said roads, or play at football or any other game or games to the annoyance of any passenger or passengers on any part of the said roads, or if any blacksmith or other person occupying a blacksmith's shop, having windows to the front of the said roads, shall not by good and close shutters every evening after it becomes twilight bar and prevent the light from such shop shining into the said roads, or if any person after having blocked or stopped any waggon cart or other carriage in going up any hill or rising ground, shall not immediately afterwards take away or remove from the said roads the stone or other thing made use of in so blocking or stopping such waggon cart or other carriage, or if any person shall leave any waggon cart or other carriage (except in cases of accidents) upon or on the side of the said roads longer than may be necessary to load or unload the same, either with or without any horse or beast of draught harnessed or yoked thereto, and then such carriage shall be placed as near to the side of the said roads as conveniently may be, or shall lay any timber stones chalk marl lime hay straw dung manure soil rubbish or



or other thing whatsoever upon the said roads or on any side or sides thereof, between the said roads and the fences now standing or hereafter to be erected on the sides thereof, or shall plough up dig up or break up any of the soil between any part of the said roads and such fences as aforesaid, for the purpose of making compost or manure, or otherwise shall scrape off any soil or other thing from the said roads or the sides thereof, or shall take up and carry away any scrapings thereof, or any dung mould soil compost or manure from the sides thereof, or shall carry rods or bars of iron across the back of any horse mule or ass passing along the said roads, or if the surveyor or surveyors of the said roads or any contractor or contractors for the repairs of the said roads or any part thereof, or any person or persons acting by or under their authority, shall lay or cause to be laid upon the said roads or the sides thereof or upon any part of the said roads, any heaps of stones or other materials for repairing the said roads or any part thereof, and shall permit and suffer the same to remain in heaps longer than shall be necessary for spreading or laying such stones and materials over or upon the said roads, every person offending in any of the cases aforesaid, shall for every such offence forfeit and pay any sum not exceeding five pounds to be recovered and applied as hereinafter directed.

Cattle straying.

And be it further enacted, That if any horse ass sheep swine or other beast or cattle of any kind shall at any time be found wandering straying or lying upon the said roads or any part thereof or by the sides thereof, except where the roads pass over any common or where the said roads are not fenced on both sides, it shall be lawful for the surveyor of the said roads for the time being, or for any other person or persons whomsoever to seize and impound every such horse ass sheep swine or other beast or cattle in the common pound of the parish township or place where the same shall be, or in such other place as the said Trustees or any five or more of them shall appoint, and the same there to detain until the owner or owners thereof shall for each and every such horse ass sheep swine or other beast or cattle so impounded, pay the sum of ten shillings to the person impounding the same, together with the reasonable charges and expences of impounding and keeping the same; and in case the said penalty charges and expences shall not be paid within five days after such impounding, it shall be lawful for the said Trustees or any five or more of them to sell or cause to be sold every such horse ass sheep swine or other beast or cattle, and the money arising from such sale after deducting the said penalty and charges and expences of impounding

pounding keeping and selling every such horse ass sheep or swine or other beast or cattle, shall be paid to the person whose property the same so sold shall appear to have been.

And be it further enacted, That no gate of any park paddock field or inclosure whatsoever shall be made to open into or towards any part of the said roads, or be suffered to continue so to open except the hanging post thereof shall be so far removed from the centre of the said roads, that no part of such gate shall when open project over any part of the said roads or any of the foot-paths thereof, and the occupier or occupiers of every park paddock field or inclosure having any gate opening contrary to the directions of this Act, shall within ten days after notice to him her or them given, either personally or in writing from the surveyor of the said roads, cause such gate to be hung so that no part of the gate when open shall project over any part of the said roads or any footpath belonging thereto; and in default thereof the surveyor of the said roads is hereby authorized to cause such gate to be so hung, and the person or persons guilty of such neglect or default shall, upon complaint made to any justice or justices of the peace acting in and for the county division or place in which such gate shall have been erected, and upon conviction thereof upon the oath of one or more credible witness, or witnesses, pay to such surveyor such sum as the said justice or justices shall direct, to defray the expence of making the alteration and hanging such gates, and shall also forfeit and pay a further sum not exceeding forty shillings for his her or their neglect therein, to be fixed by and at the discretion of the justice or justices before whom such conviction shall be made as aforesaid.

Gates to open inwards.

And be it further enacted, That it shall be lawful for the said Trustees or any five or more of them from time to time to contract and agree with any person or persons for widening altering improving or repairing the said roads or any part or parts thereof, or for doing any other work in pursuance or execution of this Act, in such manner and for such sum or sums of money or otherwise as the said Trustees or any five or more of them shall think proper; but no contract for repairing any part of the said roads shall be made for a longer term than one year.

Trustees may contract for repairs or any other work.

And be it further enacted, That all and every person and persons hundreds parishes townships hamlets villages and places and the inhabitants thereof respectively, bodies politic and corporate, who before the passing of this Act were liable to the maintaining or amending of any

Persons liable to repair the roads to continue so.