ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxiv.

An Act to amend an Act of His present Majesty, for paving and otherwise improving the Town of *Abergavenny*, in the County of *Monmouth*.

[2d *May* 1815.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for paving, and otherwise improving, the Town of* Abergavenny, *and the Limits thereof, in the County of* Monmouth, the Commissioners for putting the said Act into Execution were empowered to borrow and take up at Interest, or to raise, by granting Annuities, any Sum of Money, not exceeding at any one Time Three thousand Pounds, upon the Credit of the Market, Market House, Buildings, Lands, and Grounds vested in the said Commissioners by the said Act, and upon the Rents, Tolls, Rates, and Assessments, and other Sums of Money by the said Act granted and made payable to the said Commissioners: And whereas the Sum of Two thousand and nine hundred Pounds was, soon after the passing of the said Act, raised under the Powers thereof, and expended in purchasing Houses and Land, in building a new Market House, and in erecting Butchers Shops, Sheds, Stalls, Standings, and other Conveniences, and in various other Instances in improving the said Town: And whereas in the Year One thousand eight hundred and six, the Streets of the said Town, and the Pipes supplying the Inhabitants thereof with Water, were in a very dilapidated State, and in order to repair the same, the then Commissioners borrowed the Sum of Four thousand one hundred and thirty Pounds, for the Repayment whereof 34 G. 3. c. 106.

whereof ſeveral of them became perſonally reſponſible, the Whole of which ſaid Sum has been expended in making ſuch Repairs, and ſtill remains due and owing, with an Arrear of Intereſt: And whereas the ſaid Market Houſe, Butchers Shops, Sheds, Stalls, Standings, and other Conveniencies are fallen into Decay, and the ſaid Streets and Pipes in many Places greatly out of Repair: And whereas in order to enable the ſaid Commiſſioners to diſcharge the ſaid Debt of Four thouſand one hundred and thirty Pounds and the ſaid Arrear of Intereſt, and to releaſe the ſaid Commiſſioners ſo become liable for the Payment thereof as aforeſaid, from the Reſponſibility attached to them, and to put the ſaid Market Houſe and other Buildings, Streets, and Pipes in Repair, and to make ſuch other Improvements in the ſaid Town as may be of Benefit and Convenience to the ſaid Inhabitants, and to Perſons reſorting to and travelling through the ſame, it is become expedient that they ſhould be empowered to raiſe a further Sum of Money, over and above the Sum authorized to be raiſed under the ſaid recited Act: 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 it ſhall and may be lawful to and for the ſaid Commiſſioners, and they, or any Five or more of them, are hereby authorized and empowered to raiſe, for the Purpoſes aforeſaid, and of the ſaid recited Act, the further Sum of Six thouſand Pounds, by any of the Modes, and in the Manner in the ſaid recited Act mentioned, for raiſing the ſaid Sum of Three thouſand Pounds.

Power to raiſe 6,000l.

Recovery of Tolls.

II. And whereas it is by the ſaid Act enacted, That the like Tolls ſhould be paid for or in reſpect of all Corn and other Matters and Things which ſhould be ſold within the Market Place to be erected by virtue of the ſaid Act, as were theretofore payable for or in reſpect of the ſame Kind of Articles ſold at or within the Market Houſe then exiſting, or elſewhere in the ſaid Town: And whereas no Power was given by the ſaid Act for the Recovery of the ſaid Tolls; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners or their Collectors, Leſſees, or Tenants, to recover all Sums of Money which now are or may at any Time hereafter be demanded and received under the Proviſions of the ſaid Act, in lieu of ſuch Tolls, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons refuſing or neglecting to pay the ſame, in ſuch and the like Manner as any Rate payable by virtue of the ſaid Act may be levied and recovered.

Repeal of Power to leaſe Lands.

III. And whereas it is by the ſaid Act enacted, That it ſhould be lawful for the ſaid Commiſſioners, and they were thereby required to let or ſell, and by Writing under the Hands and Seals of any Five or more of them, to convey any ſuch Ground as might have been purchaſed or taken by virtue of the ſaid Act, and which they might not deem neceſſary to be made uſe of for the Purpoſes thereof, and that ſuch Letting, Sale, and Conveyance ſhould be valid and effectual; be it enacted, That ſo much of the ſaid Act as empowers the ſaid Commiſſioners to let ſuch Ground ſhall be, and the ſame is hereby repealed.

Lands to be firſt offered to the former Proprietors.

IV. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall think proper to ſell or diſpoſe of any of the Lands, Tenements, or Hereditaments

ditaments which may not be neceſſary to be made uſe of for the Purpoſes of the ſaid Act and this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons from whom the ſame ſhall have been purchaſed; and if ſuch Perſon or Perſons ſhall then and thereupon refuſe or ſhall not agree for the Purchaſe thereof, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid County, (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Lands, Tenements, or Hereditaments, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Commiſſioners, or that ſuch Offer was then and there refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be), and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Lands, Tenements, or Hereditaments, and he, ſhe, or they, and the ſaid Commiſſioners ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as is by the ſaid Act directed with reſpect to the Purchaſe of any Lands, Tenements, or Hereditaments, in caſe of any Difference or Diſpute about the ſame.

Application of Purchaſe Monies paid to incapacitated Perſons if above 200*l.*

V. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any Diſability or Incapacity, 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 High Court of Chancery, to be placed to his Account there *ex parte* the Commiſſioners for executing the ſaid Act and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order, to be made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance 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 High Court of Chancery, upon Application thereto,

thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said 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, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Purchase Monies, paid to incapacitated Persons, if under 200l. and not less than 20l.

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

Application of Purchase Monies paid to incapacitated Persons, if under 20l.

VII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than the Sum of Twenty Pounds, then, and in all such Cases, the same shall be applied to the Uses 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 Commissioners 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.

Purchase Monies payable to Persons not able to evince their Titles, to be paid into the Court of Chancery.

VIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, it shall and may be lawful for the said Commissioners to order the said Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed

placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion of Premiſes purchaſed to be deemed the Owners thereof.

IX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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 making 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 and 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.

For paying Expences when Purchaſes ſhall be made from incapacitated Perſons.

X. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid High Court of Chancery, 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, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of the ſaid recited Act or this Act, who ſhall, from Time to Time, pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expences of the Act.

XI. And be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be defrayed out of any Money ariſen, or to ariſe, by the ſaid recited Act and this Act.

Public Act.

XII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.