ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

## *Cap.* lxxi.

**An Act for making and maintaining a Road from the Town of *Northampton* in the County of *Northampton* to *Cold Brayfield* in the County of *Buckingham*.** [28th *May* 1827.]

WHEREAS the making and maintaining a Road from the Town of *Northampton* in the County of *Northampton*, through the several Parishes or Townships of *Saint Giles* in the said Town, *Hardingstone*, *Great Houghton*, *Little Houghton*, *Brafield on the Green*, *Denton*, *Castle Ashby*, and *Yardley Hastings*, in the said County of *Northampton*, and *Warrington* in the Parish of *Olney*, and *Lavendon* in the County of *Buckingham*, so as to communicate with and join the present Turnpike Road leading from *Olney* aforesaid to *Bedford* in the Parish of *Cold Brayfield* in the said County of *Buckingham*, will be of great Advantage and Convenience to the Owners and Occupiers of Estates, and Inhabitants within the said several Parishes or Townships and Places adjacent, and will also be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, 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 3 G.4. c.126.

4 G. 4. c. 95. *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 5 G. 4. c. 69. 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 Trustees. 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 Counties of *Northampton* and *Buckingham* respectively, together with *Richard Adams* Clerk, *John Allicote* Clerk, *Justinian Alston*, *Vere Alston* Clerk, *William Andrews*, *Thomas Armfield*, *William Astell*, *John Barrett*, *James Birdsall*, *Edward Bouverie*, *Everard Bouverie*, *Robert Lloyd Bretton*, *William Brown*, *Thomas Butcher*, *John Chambers*, the Most Noble the Marquess of *Chandos*, *Langham-Christie*, *Charles Christie*, the Right Honourable *Spencer Joshua Alwyne* Earl *Compton*, *Joshua Cooch*, *William Cowley* Clerk, *Robert Carey Elwes*, *William Farrer*, *Henry Lannoy Forbes*, *John Foster*, *Charles Langton Freeman*, *Thomas Fry* Clerk, *Henry Gauntlett* Clerk, *Edward Gates*, *Richard John Geldart* Clerk, *John George*, *John Gibbard*, *Francis Green*, Sir *Robert Henry Gunning* Baronet, *Henry Gunning* Clerk, *Spencer Gunning* Clerk, *Thomas Hale*, *Daniel Hewlett*, *John Higgins*, *Thomas Charles Higgins*, *William Bartholomew Higgins*, *Samuel Holt*, *Thomas Howes*, *Philip Hunt* D.D., the Honourable and Reverend *Paul Anthony Irby* Clerk, *John Johnson* Clerk, *William Charles Kerr* M.D., *John Lee* D.C.L., Sir *William Long* Knight, *Richard Hurd Lucas*, *Thomas Potter Macqueen*, *Thomas Mercer* Clerk, *John Mercer*, *Marmaduke Newby*, *George Osborn*, *Samuel Parkins* Clerk, *Samuel Peach*, *George Peach*, *Pickering Phipps*, *Charles Pinfold*, *Thomas Polhill*, *Legh Richmond* Clerk, *Archibald Robertson* M.D., *George Rooke* Clerk, *John Sargeaunt* Clerk, *Richard Scriven*, *John Shaw*, the Honourable *Robert Smith*, *William Tyler Smyth*, *William Smyth*, *John Hale Talbot*, *William Talbot* Clerk, the Most Noble the Marquess of *Tavistock*, *Joseph Thackeray* M.D. *Godfrey Thornton*, *John Harvey Thursby*, *John Harvey Thursby* the younger, *William Thursby* Clerk, *Samuel Tibbitts*, the Honourable *Rice Trevor*, *Robert Trevor*, Sir *William Wake* Baronet, *Charles Wake*, *Richard William Wake* Clerk, *Thomas Whalley* Clerk, *Samuel Whitbread*, *William Whitbread*, *Charles Whitworth*, *Robert Whitworth*, *William Whitworth*, *Richard Williams* Clerk, *William Corbet Wilson* Clerk, *John Wright* D.D. and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, altering, improving, and keeping in repair the Road herein-before described and herein-after mentioned; (that is to say,) a Road from the Town of *Northampton* in the County of *Northampton*, through the several Parishes or Townships of *Saint Giles*, *Hardingstone*, *Great Houghton*, *Little Houghton*, *Brafield on the Green*, *Denton*, *Castle Ashby*, and *Yardley*

*Yardley Hastings* in the said County of *Northampton*, and *Warrington* in the Parish of *Olney*, and *Lavendon* in the County of *Buckingham*, so as to communicate with and join the present Turnpike Road leading from *Olney* aforesaid to *Bedford* aforesaid, in the Parish of *Cold Brayfield* in the said County of *Buckingham*, and for otherwise carrying the said recited Acts and this Act into Execution.

Appointment of additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of the said recited Acts and this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed by this Act.

Powers of General Turnpike Acts to apply to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His said present Majesty King *George* the Fourth, 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 expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fourth and Fifth Years of the Reign of His said 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 expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Meetings of Trustees.

IV. And be it further enacted, That the First Meeting of the said Trustees shall be held at the *Rose and Crown Inn* in the Parish of *Yardley Hastings* aforesaid, or at some other convenient House or Place in the said Parish of *Yardley Hastings*, on the Second *Monday* next after the passing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, and the said Trustees shall then and there proceed to carry the said recited Acts and this Act into Execution, and shall then and from Time to Time afterwards adjourn to and meet at such Times and Places, in the Neighbourhood of the said Road, as they may think proper.

Treasurer and Clerk not to be the same Person.

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, or the Clerk or Clerks or other Person

or

or Persons in the Service or Employ of the Partner or Partners of 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, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of 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 shall act as Deputy of the Treasurer, or in any Manner officiate for the 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 Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every 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.

**Trustees to make and set out Road.**

VI. And be it further enacted, That it shall and may be lawful for the said Trustees to set out and make the Road herein-before described, of such Width as the said Trustees may think proper, not exceeding Twenty Yards, and for that Purpose to take and use any Lands, Tenements, and Hereditaments, first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments, to be settled and ascertained in manner directed by the said recited Acts; and from and after the making of the said Road, the same shall be deemed and taken to be and shall be a public Highway for ever, to all Intents and Purposes.

**Map or Plan deposited at the Office of the Clerk of the Peace.**

VII. And whereas Duplicate Maps or Plans, describing the Line of the said Road, together with Duplicate Books of Reference, containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the said Road is intended to pass, have been deposited at the Office of the respective Clerks of the Peace for the said Counties of *Northampton* and *Buckingham*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace aforesaid, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their

Will

Will and Pleasure, paying to the said respective Clerks of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Road not to deviate more than 100 Yards from Plan.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Buildings, Tenements, and Hereditaments described in the said Maps or Plans, and Schedule hereunto annexed, although the Name or Names of the Owner or Owners thereof may happen to be omitted or mis-stated in the said Books of Reference, or in the Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the County, Town, or Place in which the same Lands, Buildings, Tenements, and Hereditaments shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road 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 or specified in the Schedule to this Act annexed.

Trustees restrained from taking down Houses, &c. not mentioned in the Schedule, without Consent.

X. And whereas, for the Purpose of making, widening, altering, diverting, and otherwise improving the Road comprised in this Act, it will be necessary to purchase, take, and use (amongst other Tenements) the several Messuages and other Buildings, Tenements, Home Closes, Gardens, Yards, Paddocks, and Plantations, specified or mentioned in the Schedule to this Act annexed; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for any of the Purposes aforesaid, to purchase, take, and use all or any of the several Messuages and other Buildings, Tenements, Home Closes, Gardens, Yards, Paddocks, and Plantations mentioned in the Schedule to this Act annexed, and to take down such Messuages and Buildings, and to lay the Scites thereof into the said Road: Provided nevertheless, that if the said Trustees shall not, within the Space of Five Years (to be computed from the Time of the passing of this Act), agree for or cause to be valued and paid for, in manner directed by the said first-recited Act, the several Messuages and other Buildings, Tenements, Home Closes, Gardens, Yards, Paddocks, and Plantations, which they are hereby empowered to purchase, take, and use, or so much

Trustees empowered to take down certain Buildings.

thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Trustees may erect Toll Gates, &c.

XI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized to erect and set up, or cause to be erected and set up, such and so many Toll Gates or Toll Bars upon, across, or on the Sides of the said Road, as the said Trustees shall from Time to Time think proper, and from Time to Time to remove the same or any of them, and to erect another or others in the room or stead thereof, or to discontinue the same, as the said Trustees shall think proper and expedient, and also shall and may erect and provide so many Toll Houses, with suitable Outhouses and other Conveniences, and take in and inclose from the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House, at or near to such Toll Gates or Toll Bars, and also so many Weighing Machines at or near such Toll Houses, as to the said Trustees shall seem expedient.

Power to take Tolls.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees, to demand and take at each and every of the Toll Gates or Turnpikes which shall be erected in, upon, across, or on the Side or Sides of the said Road, the several Tolls following; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast, drawing any Coach, Landau, Berlin, Chariot, Hearse, Calash, Chaise, Curricle, or Gig, or any such like Carriage, or any Caravan built and constructed with Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, having the Fellies of the Wheels at the Bottom or Sole thereof of the Breadth of Six Inches or upwards, the Sum of Three-pence; and of a less Breadth than Six Inches, the Sum of Four-pence Halfpenny:

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

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

And for every Score of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Five-pence; and so in proportion for any greater or less Number:

Tolls vested in Trustees.

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse or Horses, or other Beast or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Toll Bar; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Fractional Part of a Halfpenny in Tolls.

XIII. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of One Halfpenny in the

the Calculation or Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Half-penny shall be demanded and taken in lieu of such fractional Part.

Number of Tolls limited.

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for or in respect of the same Horse, Beast, Carriage, or Cattle, for passing or repassing at any Time or Times in any One Day, such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, through all the several Turnpikes or Toll Gates to be erected upon the said Road.

Tolls to be paid only Once a Day.

XV. 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, Beast, or Carriage, through any One of the said Toll Gates, Turnpikes, or Side Bars, to be erected by virtue of this Act, such Horse, Cattle, Beast, 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, and also through such other Toll Gate or Toll Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Stage Coaches, &c. to pay each Time of passing.

XVI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road.

Post Chaises with each fresh Hiring.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Road, whenever any new Hiring of such Horses or other Beasts shall take place.

Application of Tolls and Money borrowed.

XVIII. And be it further enacted, That all Monies which shall be received from the Tolls to arise and be levied by virtue of this Act, or which have been subscribed for the Purpose of making the said Road, and also the Monies which shall be borrowed on the Credit of this Act and the Tolls hereby granted, shall be applied, in the first place, in the Payment of the Expences of procuring and passing this Act, with lawful Interest for the Money which shall have been advanced for that Purpose; then in defraying the Expences of making the said Road, and in purchasing Lands, Hereditaments, and Materials for the Purpose, and in erecting, making, and providing Toll Gates, Turnpikes, Bars, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, and other Matters and Things necessary for carrying the Purposes of this Act into Execution; and also in paying the Principal and Interest of

of all Monies advanced, or which may hereafter become due and owing on the Credit of this Act or the Tolls hereby granted; and afterwards in repairing, widening, altering, diverting, and improving the said Road, and in otherwise defraying the Expences attending the Execution of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and to and for no other Use or Purpose whatsoever.

Trustees not liable to repair Streets.

XIX. And be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies now borrowed or hereafter to be borrowed upon the Credit thereof, in or towards the widening, improving, or repairing any Street in the said Town of *Northampton*.

Monies subscribed to be secured by Mortgage on the Tolls.

XX. And be it further enacted, That the Monies subscribed, and which have been and shall be hereafter advanced for obtaining this Act and for making the said Road, shall be secured to the respective Parties advancing the same, their Executors, Administrators, and Assigns, by Mortgages of the Tolls hereby granted, which Mortgages the said Trustees are hereby authorized and directed to make upon Payment of the Monies so subscribed as aforesaid; and such Monies shall carry Interest from the respective Times of the Advancement thereof, pursuant to the Agreement entered into for making the said Road.

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

XXI. 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 or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Acts particularly mentioned, 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 the said recited Acts and this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His said 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 in Discharge of any Debt or Debts, or other Incumbrances, or any 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

1 G. 4. c. 35.

or

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 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, 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 or 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 said Court, 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 and Profits of the said Lands, Tenements, or Hereditaments by the said recited Acts or this Act authorized to be purchased, in case such Purchase or Settlement were made.

Application when under 200*l.* and exceeding 20*l.*

XXII. 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 of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in the 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 Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would

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 the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; and 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, or Persons entitled not being found.**

XXIV. And be it further enacted, That in case any 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 or 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 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 Parties 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 said 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, Titles or Interests of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the same 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 the same, mentioning and specifying for what and for whose Use 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.

**Persons in Possession presumptively entitled.**

XXV. 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 said Court of Exchequer, 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 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

be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; 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.

Court may order reasonable Expences to be paid by Trustees.

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

Public Act.

XXVII. 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.

Commencement and Continuance of this Act.

XXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

The

## The SCHEDULE referred to by the aforegoing Act.

| Description of Property. | Owners or reputed Owners. | Occupiers. |
|---|---|---|
| | *St. Giles Northampton.* | |
| Wells - - - | The Corporation of Northampton. | |
| | *Little Houghton.* | |
| Home Close - - | William Tyler Smyth - - - | William Tressler. |
| Cottage and Garden - | William Morris - - - | Self. |
| Home Close - - | William Tyler Smyth - - | James Marriott. |
| | *Brafield on the Green.* | |
| Land - - - | William Tyler Smyth - - - | Thomas Mackaness. |
| | *Denton.* | |
| Cottage Gardens - - | The Marquess of Northampton - | John Marriott, William Whiting, and others. |
| Land - - - | William Tyler Smyth - - | Thomas Sarjent. |
| Ditto - - - | The Marquess of Northampton - | John Barker. |
| Ditto - - - | Samuel Osborn - - - | Self. |
| Home Close and Land - | Elizabeth Sarjent - - - | Charles Sarjent and Joseph Sarjent. |
| Ditto - - - | The Marquess of Northampton - | John Barker. |
| | *Yardley Hastings.* | |
| Home Close and Land - | The Marquess of Northampton - | Edward Longland. |
| Ditto - - - | Ditto - - - - | Henry Mills. |
| Cottage, Garden, &c. - | Ditto - - - - | William Carter. |
| Land - - - | Ditto - - - - | Henry Hornsby. |
| Ditto - - - | Ditto - - - - | Jonathan Berrill. |
| | *Warrington.* | |
| Land - - - | The Earl of Dartmouth - - | John Herring. |
| | *Lavendon.* | |
| Land - - - | John York - - - - | Self. |
| Ditto - - - | The Devisees of the late Farrer Grove Spurgeon Farrer, deceased | John York. |
| Ditto - - - | Late Farrer's Devisees - - - | John York. |
| Ditto - - - | William Burr - - - - | Self. |
| Ditto - - - | Late Farrer's Devisees - - | John York. |
| Ditto - - - | Thomas Wooding - - - | Self. |

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