ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxvii.

An Act for repairing the Road from *Barton Waterside House* to *Riseham Hedge Corner*, and other Roads, in the County of *Lincoln*, connected therewith. [28th *May* 1827.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Barton Waterside House *to* Riseham Hedge Corner, *and several other Roads, in the County of* Lincoln, *therein mentioned*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fifth Year of His present Majesty's Reign, intituled* 'An Act 'for repairing and widening the Road from Barton Waterside House 'to Riseham Hedge Corner, and several other Roads, in the County 'of Lincoln, therein mentioned;' and for repairing and widening the Road from the old Bridge in the Town of Brigg, in the said County, to Wrawby Bar and Bigby Bar in the said Town, and also the Road from the End of the said Turnpike Road at Caistor, in the said County of Lincoln, to the South Gate in the said Town of Caistor: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from* Barton Waterside House *to* Riseham Hedge Corner,

5 G. 3. c. 88.

26 G. 3. c. 146.

48 G. 3. c. 24.

Corner, *and other Roads therein mentioned, in the County of* Lincoln: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, a considerable Part of which Money still remains due and owing, and the same cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Terms of the said Acts are further continued; and it would be more convenient if the said recited Acts were repealed, and further, better, and more effectual Powers and Provisions granted for more effectually improving and keeping in repair the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of

3 G. 4. c. 126. 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

4 G. 4. c. 95. Majesty King *George* the Fourth, 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

5 G. 4. c. 69. Majesty King *George* the Fourth, 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,

Recited Acts of 5, 26, and 48 G. 3. repealed, and this Act to take effect. That from and after the passing of this Act the said recited Acts of the Fifth, Twenty-sixth, and Forty-eighth Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby repealed; and instead thereof this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purposes of more effectually repairing and keeping in repair the present Turnpike Road leading from *Barton Waterside House* in the County of *Lincoln*, through *Wrawby Street* and *Bigby Street* in *Brigg* aforesaid in the said County of *Lincoln*, over the old Bridge there, to *Riseham Hedge Corner* in the said County of *Lincoln;* also the present Turnpike Road from the Toll Gate at the East End of the Town of *Brigg* aforesaid to a Cottage at or near the South Gate in the Town of *Caistor* in the said County of *Lincoln;* and also the present Turnpike Road branching from the *Barton* Turnpike Road, to and through the Village of *Wrawby* in the said County of *Lincoln*, to the Church in *Melton* in the said County of *Lincoln;* and this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining such Roads, and now due and owing upon the Credit or on account of the said former Acts, or secured upon or made payable out of the Tolls thereby authorized to be taken upon the said Roads, and all Interest due and to grow

due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected, and also of all such other Sum or Sums of Money as shall or may hereafter be borrowed for the Purposes of or become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

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

Bonds, &c. under former Acts to be good under this Act.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Fifth, Twenty-sixth, and Forty-eighth Years of the Reign of His late Majesty King *George* the Third, or any or either of them, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Books used under former Acts to be Evidence.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Where old Securities are lost, new ones may be executed.

V. And whereas divers Creditors on the said Roads may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed, or the Tolls

Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments; and it is reasonable that in Cases where it can be proved to the Satisfaction of the Trustees that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts or any of them, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Repayment of the Money now due on the Credit of the said Acts, or Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the said Trustees for executing this Act, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Acts hereby repealed, or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Parts of *Lindsey* in the said County of *Lincoln*, together with *Charles Drake-Barnard* Clerk, *Henry Vincent Bayley* Clerk, *William Bennard*, *Joseph Barnard*, *John Berwick*, *John Barton*, *John Burcham*, *Charles Barton* Clerk, *John Watson Barton*, *Thomas George Corbett*, *Mountague John Cholmeley*, *John Dauber*, *Thomas John Dixon*, *James Green Dixon*, *John Fardell*, *John Ferraby*, *Richard Fowler*, *James Giffard* Clerk, *Marmaduke Graburn*, *Edwin Harrison* Clerk, *William Jarratt*, *John Kelk*, *John Kelsey*, *Peter John Luard*, *John Nicholson*, the Honourable *George Anderson Pelham*, *George Skipworth*, *Samuel Turner* Clerk, *Joel Tombleson*, *Samuel Turner* (of *Nettleton*) Clerk, *Leadbeater Uppleby*, *George Uppleby* Clerk, *William Verelst* Clerk, *James Walter* Clerk, *Edward Weston*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed the Trustees for carrying the said Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or any subsequent Meeting or Meetings to be holden in pursuance of this Act, to elect any Number of Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, in addition to the Trustees hereby appointed; and such Trustees so elected, and being qualified according

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ing to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts, as if they had been hereby nominated and appointed.

Old Officers to continue.

VIII. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and *vice versâ*.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the 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 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 or Treasurers shall hold or accept any Place or Office of Trust or Profit 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.

Officers under the former Acts to account to the Trustees for this Act.

X. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Monies by virtue or in pursuance of the said recited Acts, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, or any of them, inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and of this Act.

First Meeting of the Trustees.

XI. And be it further enacted, That the Trustees for executing this and the said recited Acts made in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall and may and they are hereby required to meet together at some convenient House or Place in *Brigg* aforesaid, on the Third *Tuesday* after the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this and the said last-recited Acts.

Power to continue the present Gates and erect others.

XII. And be it further enacted, That the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said recited Acts hereby repealed, or which shall or may be erected by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and of this Act, or any or either of them, and shall and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, or upon the Sides thereof respectively, and shall and may also continue, erect, or provide a Toll House, with suitable Outbuildings or Conveniences, at or near each Toll Gate or Bar, and shall and may from Time to Time remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient, and also shall and may take in and inclose from the said Roads, or from any Common or Waste Land adjoining such Toll Gates or Toll Houses, convenient Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House.

Lamps to be lighted at Toll Gates.

XIII. And be it further enacted, That it shall and may be lawful for the Trustees from Time to Time to order and direct such and so many Lamps to be placed and erected on each and every the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, or by the Sides thereof, as they shall think proper, and also to order and direct at what Times of the Year, and during what Hours, such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector, whether appointed by the Trustees or by any Person or Persons to whom such Tolls may be let, who shall neglect or omit to observe and fulfil the Orders of the said Trustees,

in respect to the keeping such Lamps lighted, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Power to take Tolls.

XIV. And be it further enacted, That from and after the passing of this Act the several Tolls following shall and may be demanded and taken, collected and paid, at each and every Toll Gate, Turnpike, and Side Gate now erected or to be erected upon, across, or on the Sides of the said Roads, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say,)

Tolls.

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

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, Timber Car, Tumbril, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Three-pence:

For every Horse, Mule, Ass, or other Beast drawing any such last-mentioned Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half, the Sum of Four-pence:

For every Horse, Mule, Ass, or other Beast drawing any such last-mentioned Carriage, not having the Fellies of the Wheels of the Breadth of Four Inches and a Half, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast drawing any Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Taxed Cart, or other Carriage of a like Description, by whatsoever Name called or known, the Sum of Sixpence:

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

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

Which said respective Tolls, and all other Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of and assigned in such Manner as herein-after mentioned.

Tolls to be paid but Once a Day.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any one of the said Turnpikes or Toll Gates, Side Bars or Side Gates, continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates (if any) freed by the Payment of such

such Toll,) be permitted to pass Toll-free through the same Turnpike or Toll Gate, Side Bar or Side Gate, and also through such other Turnpike or Toll Gate, Side Bar or Side Gate, 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.

Limiting the Number of Tolls to be taken on the whole of the Roads.

XVI. 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 Five full Tolls to be demanded or taken for or in respect of the Passage of the same Horses, Cattle, Beasts, or Carriages, through all the said several Turnpikes or Toll Gates, Side Bars or Side Gates, now erected or to be erected on the Line of the said Road from *Barton Waterside House* to *Riseham Hedge Corner*, nor more than One Toll and One Half Toll on such Part of the said Road as lies between *Caistor* and *Brigg*, nor more than One Toll on such Part of the said Road as lies between *Melton* and *Brigg*, on the same Day.

Stage Coaches to pay every Time of passing.

Post Chaises on every new Hiring.

XVII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day, whenever a fresh Hiring thereof shall take place.

Manure to pay Toll for Overweight.

XVIII. And be it further enacted, That the Exemptions from Toll contained in the said recited Act of the Third Year of the Reign of His present Majesty King *George* the Fourth, for any Horse, Beast, or other Cattle or Carriage employed in carrying Manure, shall not extend to or be allowed for the additional Tolls imposed by the said Act, and directed to be taken for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or other such Carriage, together with the Loading thereof, shall weigh over and above the Weights in and by the said recited Act allowed to each of them respectively, but in all such Cases the said additional Tolls shall be paid, and only the original Tolls allowed; and the Keeper of every Toll Gate or Bar where any Weighing Engine shall be erected, or any other Person appointed or to be appointed by the Trustees, or by their Lessee or Lessees, to the Care of such Weighing Engine, shall and is hereby required to weigh any Waggon, Wain, Cart, or other such Carriage employed in carrying Manure, which shall pass loaded through such Gate or Bar respectively; and if the Owner or Driver of any such Waggon, Wain, Cart, or other such Carriage, shall refuse to allow the same to be weighed, or shall resist any Gatekeeper or Toll Collector in weighing the same, every Owner or Driver

Driver so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

Application of Tolls and other Monies.

XIX. And be it further enacted, That all the Monies and other Effects which the said Trustees or any of them, or any Treasurer or Treasurers, or other Person or Persons on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts hereby repealed, or any of them, shall be by the said Trustees applied for the Purposes of this Act; and out of the Monies which shall arise by virtue of this Act the Expences attending the preparing, obtaining, and passing this Act shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest of all Monies now due and owing upon the Credit of the said Three first recited Acts, or which may hereafter become due and owing upon the Credit of this Act, and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in repair the said Roads, and in erecting, repairing, and maintaining proper Turnpikes, Toll Gates, and Toll Houses, and then in reducing, paying off, and discharging the Principal Sum now due and owing on the Credit of the said Tolls, or which may hereafter become due and owing, and in defraying the Expences attending the Execution of this Act.

Trustees not liable to repair Streets.

XX. 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 Repairs of any of the Streets in any of the Market Towns through or into which any Part of the said Roads shall lead.

Application of Compensation Money if 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 of the Third and Fourth Years of the Reign of His 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 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

1 G. 4. c. 35.

said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; and when 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 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 be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* but not less than 20*l.*

XXII. 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 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, 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.

When less than 20*l.*

XXIII. And be it further enacted, That where such Money so agreed or awarded to be paid as next 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 said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of disputed Titles to Lands.

XXIV. 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, Fourth, and Fifth Years of the Reign of His 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, or Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and 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, 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.

Respecting disputed Titles to Money.

XXV. 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 Exchequer, in pursuance of the said recited Acts 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 this Act, or to any Bank Annuities to be purchased with any such Money,

or

or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall 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 of Exchequer may order reasonable Expences to be paid by the Trustees.

XXVI. 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, Hereditaments, and Premises 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 Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and 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 Act, or so much thereof 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.

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 and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.