ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

## *Cap.* liv.

**An Act for repairing the Road from *Dunchurch* to *Hillmorton* in the County of *Warwick*, and from thence to *Saint James's End* in the Parish of *Duston* in the County of *Northampton*.**

[28th *May* 1827.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing the Road from* Dunchurch *to* Hillmorton *in the County of* Warwick, *and from thence to* Saint James's End *in the Parish of* Duston *in the County of* Northampton: And whereas the Trustees appointed in or by virtue of the said recited Act 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 Road, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended and kept in repair unless the Term and Powers of the said Act are enlarged: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of

46 G. 3. c. 69.

3 G. 4. c. 126.

4 G. 4. c. 95. 5 G. 4. c. 69. of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His 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Roads:* And whereas it would facilitate the Execution of the Purposes aforesaid if the said first-recited Act were repealed, and if further and other Powers and Provisions were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 upon the First Day of *September* next after the passing of this Act the said recited Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed; and instead thereof this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from the Town of *Dunchurch* in the County of *Warwick* to *Hillmorton* in the said County of *Warwick*, and from thence to *Saint James's End* in the Parish of *Duston* in the County of *Northampton* aforesaid, and which said Road passes from, through, or into the several Parishes or Townships of *Dunchurch* aforesaid, *Bilton* and *Hillmorton* in the said County of *Warwick*, and *Barby Kilsby Creek* otherwise *Crick Watford*, *West Haddon*, *Long Buckby*, *East Haddon*, *Holdenby*, *Brington*, *Althorpe*, *Harleston*, *Dallington*, and *Saint James's End* in *Duston* aforesaid, all in the said County of *Northampton*.

Recited Act 46 G. 3. c. 69. repealed, and this Act to take effect.

New Term and Tolls liable to former Debts.

II. And be it further enacted, That 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 Road, and now due and owing upon the Credit or on account of the said former Act, or secured upon or made payable out of the Tolls thereby authorized to be taken upon the said Road, and of 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.

Recited Acts 3, 4, and 5 G. 4. extended to this Act.

III. 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,) 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,) 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.

Former Debts, &c. vested in new Trustees.

IV. 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 said Trustees under the said first-recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and 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 said Trustees under such Act by virtue of any Deed or Specialty shall and may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing 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 received by virtue of this Act; and the Monies, when recovered, shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Former Books to be Evidence.

V. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Act hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Bonds, Contracts, &c. to be in force.

VI. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said recited Act hereby repealed, with or to any Person or Persons, for any Purpose relating to the said Road or to the Execution of the said Act, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

VII. And

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

VII. And whereas divers Creditors on the said Road 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 Act hereby repealed, or the 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 Act, 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 Act or the Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by any 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 Act hereby repealed, 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.

Appointment of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Warwick* and *Northampton* respectively, together with the Honourable *John Charles Spencer* commonly called Viscount *Althorp*, *Robert Andrew*, *George Abbey*, *Robert William Baxter* Clerk, *John Biddulph*, *Richard Rouse Bloxam* Doctor in Divinity, *Edward Bouverie*, *Everard Bouverie*, *Henry Richard Bromfield* Clerk, *William Williams Bromfield*, *John Buckby* Clerk, *Edmund Hazlerigg Buckby*, *Charles Bucknill*, *Samuel Bucknill*, *William Butlin*, *John Caldecott*, *Abraham Caldecott*, *Thomas Caldecott*, *William Ralph Cartwright*, *Thomas Hughes Chamberlain* Clerk, *William Chambers*, *Richard Clarke*, *Nathaniel Cotton* Clerk, *John Lloyd Crawley* Clerk, *Thomas Dicey*, *Francis Dickens*, Sir *John English Dolben* Baronet, *John Drayson*, the Honourable *Thomas Lawrence Dundas* Clerk, *William Judkin Dunkley*, *Charles Eddy* Clerk, the Honourable *Robert Henley Eden*, *Thomas Farmer* Clerk, *Joseph Garner*, *William Henry George* Clerk, *Francis Hacket*, *George Harris*, *Henry Bagshaw Harrison* Doctor in Divinity, *Lewis Harrison*, *John Heygate*, *John Heygate* the younger, *Robert Heygate*, *Thomas Heygate*, *Charles Heygate*, *William Heygate*, *Clark Hilliard*, *Philip Homer* Clerk, *Thomas Hornsby* Clerk, *Roger Barnston Hughes* Clerk, the Honourable *Paul Anthony Irby* Clerk, Sir *Justinian Isham* Baronet, *Vere Isham* Clerk, *Samuel Isted*, *Philip Kench*, *Robert Harvey Knight*, Sir *James Langham* Baronet, *James Hay Langham*, *Thomas Langton*, *John George Shaw Lefevre*, *Thomas Lockton* Clerk, *Thomas Lovell*, *William Lovell*, *Isaac Lovell*, *John Lovett*, *William Lovett* the younger, *William Lucas*, *Thomas Francis Lucas*, *William Luck*, *Robert Marriott* Clerk, *George*

*George Wharton Marriott*, *Thomas Mercer* Clerk, *Francis Montgomery* Clerk, *James Hoare Christopher Moore* Clerk, *John Moultrie* Clerk, *Henry Hoyle Oddie* the younger, *John Thomas Parker* Clerk, *Nathaniel Pearce*, *William Rose Rose*, *John Rose* Clerk, *Thomas Samwell Watson Samwell*, *William Sawbridge*, *Henry Barne Sawbridge*, *John Sikes Sawbridge* Clerk, *George Lethieullier Schoen* Doctor of Laws, Sir *Francis Shuckburgh* Baronet, *John Shuckburgh*, *Thomas Sikes* Clerk, *Edward Sacheverell Sitwell* Clerk, *Thomas Smith* Clerk, *Joseph Smith*, *William Tyler Smyth*, the Honourable *George Spencer* Clerk, *Robert Stanley*, *Thomas Sutton*, *Charles Sutton*, *Kenneth Mackenzie Ried Tarpley* Clerk, *Richard Tawney*, *Thomas Reeve Thornton*, *Philip Thornton* Clerk, *John Thornton*, *Thomas Thornton* Clerk, *John Harvey Thursby*, *Harvey Thursby*, *Fiennes Trotman* Clerk, *Samuel Vanderplank*, *John Venour* Clerk, *Robert Thomas Vyner*, Sir *William Wake* Baronet, *Thomas Walker*, *William Zouth Lucas Ward*, *William Ward*, *John Ward*, *John Boughton Egerton Ward*, *Edward Allesley Boughton Ward*, *William Watkins*, *Thomas Whalley*, *Charles John Wheler*, *Philip Williams*, *William Wise*, *John Worth*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in repair the said Road, and for otherwise carrying this Act into Execution.

Meetings of Trustees.

IX. And be it further enacted, That the said Trustees shall meet together on the Second *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the House called *The Fox and Hounds* in *Harleston* in the said County of *Northampton*, or at some other convenient Place in or near the Town of *Northampton* aforesaid, and shall then and there proceed to carry this Act into Execution; and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Road, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

Power to appoint Five additional Trustees.

X. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to elect and appoint any Number of Persons, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Appointment of Officers.

XI. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls,

and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the said Trustees; and the said Trustees shall and may, and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as the said Trustees shall think reasonable; but no Trustee acting under this Act shall vote for the Appointment of any Officer unless such Trustee shall have been duly qualified to act Six Months previous to such Appointment.

Old Officers to continue.

XII. 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 Act hereby repealed, 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.

Treasurer and Clerk not to be the same Person.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, 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 of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, 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 any Place of Profit under the said Trustees other

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than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed.

Power to continue and erect Toll Gates.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to continue or to remove all and every or any of the Toll Gates, Turnpikes, Side Bars, and Chains now standing or being in, upon, or across the said Road or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, and also to continue, or, where need shall be, to erect and build, or cause to be erected and built, proper Toll Houses, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll Gate, Turnpike, Side Bar, or Chain, and to inclose on the Sides of the said Road suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses; and from Time to Time to take down and remove or alter and discontinue the aforesaid Toll Gates, Turnpikes, Side Bars, and Chains, Toll Houses and Gardens, or any of them, as the said Trustees shall from Time to Time think proper and expedient.

Power to take Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being, or continued or erected, by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road or any Part thereof, Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such like Carriage, where the same shall be drawn by more than Four Horses or other Beasts of Draught, the Sum of Four-pence; where the same shall be drawn by Four Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny; where the same shall be drawn by Three Horses or other Beasts of Draught, the Sum of Five-pence; and where the same shall be drawn by Two Horses or other Beasts of Draught, or by One Horse or other Beast of Draught, the Sum of Sixpence:

For

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Ninepence:

For every Two-wheeled Carriage so fixed, the Sum of Sixpence:

For every Drug so constructed as that the Distance between the Axletrees thereof shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence, over and above the Toll or Duty payable for each of the Horses or Beasts of Draught drawing the same:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Sum of Fourpence:

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

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

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

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

**Tolls to be paid but Once a Day.**

XVI. 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 Toll 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 Toll,) be permitted to pass Toll-free through the same Toll Gate, and through such other Gate or 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.

**No more than Two full Tolls to be paid on the Road.**

XVII. 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 Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Road on the same Day.

XVIII. Pro-

Stage Coaches and Post Chaises to pay every Time of passing.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Road, and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Application of Tolls and other Monies.

XIX. And be it further enacted, That out of any Monies already received by virtue of the said recited Act, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Expences and Costs relative to the procuring and passing of this Act, and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses, and Weighing Machines, and in amending, widening, altering, and improving the said Road and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

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

XX. 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 passed in the Third Year of the Reign of His present Majesty, for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said Act 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 at *Westminster*, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, 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, 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

1 G. 4. c. 35.

ments 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 Messuages, 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 the 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 of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until 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 Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

XXI. 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* in the Name and with the Privity of the said Accountant General of the said 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 Three or more of 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 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 Court of Exchequer.

XXII. Pro-

Where not more than 20*l.*

XXII. 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 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 Land.

XXIII. 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 Act passed in the Third Year of the Reign of His present Majesty, for the Purposes 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 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 of Exchequer; 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.

Respecting disputed Titles to Money.

XXIV. 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, Tene-

Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, 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 Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXV. 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 passed in the Third Year of the Reign of His present Majesty, or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, 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 the said last-mentioned Act or 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.

**Power to make Causeways.**

XXVI. And be it further enacted, That the said Trustees, or their Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and empowered to make or cause to be made any Causeway or Footpath in or along the Side of any Part or Parts of the said Road, and to cut or cause to be cut any Watercourse in, through, or across any Lands or Gounds, in order to drain or prevent the said Road or any Part or Parts thereof from being overflowed, and to erect Bridges over such Drains or Watercourses (if necessary), and also to make or cause to be made a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired, not being the Site of or Ground whereon any House or Houses stand, or any planted Walk, Yard, Park, Paddock, or Avenue to any House, to be made use of by all Passengers, with Carriages and Cattle or otherwise,

as a Public Highway, whilst the old or ruinous Road is undergoing repair, and till such Time as it shall be convenient and safe for Cattle and Carriages to pass the same, making such Satisfaction to the Owners or Occupiers of such Lands and Grounds, for the Damages thereby sustained, as to the said Trustees shall seem reasonable.

Not to divert any Watercourse, Feeding Ponds, &c.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen, or Agents, to stop, divert, or dispose of any Water or Watercourse, either in or through any public or private Ground, that shall contribute towards filling or supplying any public or private Pond or Ponds, Basins, Canals, or Reservoirs for Water, until all and every such Pond or Ponds, Basins, Canals, or Reservoirs, shall be sufficiently supplied and filled, and the Water run waste; and that whenever a Supply of Water shall or may be needful or convenient to any such Pond or Ponds, Basins, Canals, or Reservoirs, or any of them, it shall be lawful for the Owners or Occupiers thereof to stop or dam up any such Watercourse as may have been made in pursuance of this Act by Order of the said Trustees or their Surveyors, and to bring back the Water to such Pond or Ponds, Basins, Canals, and Reservoirs, until the same be again sufficiently supplied and filled, and the Water runs waste, and so from Time to Time as often as such Owners and Occupiers shall think fit and convenient.

For continuing a certain Piece of Road under the joint Care of the Trustees appointed by this Act and the Trustees of the Warwick and Daventry Road.

XXVIII. And whereas by the said Act hereby repealed it is directed, that the Road from the Town of *Northampton* to the Way Post at or near the South-east End of *Great Bulley Close* should be repaired at the joint Expence of the Trustees for executing the said recited Act and also the Trustees for executing Two Acts made in the Fifth and Sixteenth Years of the Reign of His late Majesty King *George* the Third, for repairing and widening the Road from the *Great Bridge* in the Borough of *Warwick*, through *Southam* and *Daventry*, to the Town of *Northampton*; be it therefore enacted, That the Trustees for executing this Act shall have a concurrent Jurisdiction with the Trustees for putting in execution the Act or Acts now in force for repairing and widening the Road from the *Great Bridge* in the Borough of *Warwick*, through *Southam* and *Daventry*, to the said Town of *Northampton*, over the said Road from the Town of *Northampton* to the Way Post at or near the South-east End of *Great Bulley Close*; and the said Trustees for executing this Act shall contribute One Half towards the Expences incident to the Repair of the said last-mentioned Road.

Public Act.

XXIX. 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.

XXX. And be it further enacted, That this Act shall commence on the First Day of *September* next after the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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