ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xiii.

An Act for more effectually repairing and maintaining the Road from *Foxley Hatch* in the Parish of *Croydon* into the Town of *Reigate* in the County of *Surrey*. [2d *April* 1827.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from* Foxley Hatch *in the Parish of* Croydon *into the Town of* Reigate *in the County of* Surrey: And whereas several Sums of Money have been borrowed on the Credit of the Tolls by the said recited Act granted or authorized to be collected, which Money still remains due, and the same cannot be paid off, and the said Road kept and maintained in sufficient Repair, unless the Term and other Powers of the said Act are enlarged and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Act was repealed, and further Provision made for the Repairs of the said Road: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled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 the Reign of His said 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 said Majesty, intituled *An*

47 G. 3. c. 25.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

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, That from and after the passing of this Act the said recited Act of the Forty-seventh Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby repealed, and that this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, maintaining, and keeping in repair the said Road from *Foxley Hatch* in the Parish of *Croydon* into the Town of *Reigate* in the County of *Surrey;* 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, or which are now due and owing on the Credit or on account of the said first-recited Act, and of all Interest due and to grow due on the same Monies, 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 that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said first-recited Act shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Recited Act of 47 G. 3. repealed, and this Act to take effect.

Term and Tolls hereby granted liable to former Debts.

Persons owing Money under former Act to continue liable.

II. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made to or by or entered into by any Person or Persons to or with the Trustees for executing the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same shall be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Lettings of Tolls, and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by or on account of the said Trustees for executing the said first-recited Act, with or to any Person or Persons, for any Purpose relating to the said Road, 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 Lettings, Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first-recited Act.

And all Contracts and Securities to remain in force.

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, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matter, 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 present Majesty or by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or provided for by this Act,) shall be as good, valid, and effectual for carrying this Act into Execution, as if the same

Powers of General Turnpike Acts extended to this Act.

same had been respectively repeated and re-enacted in the Body of this Act.

Books of Accounts and Proceedings under former Act to be Evidence.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, 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 first-recited Act had not been repealed.

Appointment of Trustees.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Surrey*, for the Time being, together with *George Adams*, *Thomas Bainbridge*, *Thomas Byron*, *Samuel Brooke*, *William Bristow*, *Charles Faucitt Burnett*, *Philip Crowe*, *William Coles*, *William Clark*, *Samuel Chollett*, *George Coles* Clerk, *Charles Chatfield*, *Thomas Carter*, *George Enderby*, *John Fuller*, *John Foakes*, *John Bromfield Ferrers* Clerk, *John Farley*, *Daniel Garraway*, Sir *Benjamin Hallowell*, *Anthony Harman*, *Charles Harman*, Sir *William George Hylton Jolliffe* Baronet, *Gilbert East Jolliffe*, *Thomas James*, *John Keely*, *Thomas George Knapp*, *John Cutts Lockwood* Clerk, *Robert Lucas*, *Joseph Lanfear*, *William Minier*, *William Leader Maberly*, *James Moore*, *Thomas Miller*, *John Francis Miller*, *Thomas Meager*, *Thomas Penfold*, *John Phillipson*, *James Russell*, *William Rayley*, *Thomas Russell*, *Richard Sanderson*, *Mark Wood*, *Thomas Wright*, 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 Trustees for maintaining and keeping in repair the said Road leading from *Foxley Hatch* in the Parish of *Croydon* into the Town of *Reigate* in the County of *Surrey*, and for carrying the said last-recited Acts and this Act into Execution.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees appointed by this Act, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Three 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 according to the Provisions or Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and having taken and subscribed the Oath, or, being a Quaker, having made and subscribed the Affirmation in the said Acts mentioned, 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 and appointed.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *Greyhound Inn* in the Town of *Croydon* aforesaid, or in some other convenient Place in the said Town, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the said Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

VIII. And

Officers under former Act (except the Treasurer) to be continued, until removed by Trustees.

VIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said recited Act hereby repealed, shall respectively continue to hold and exercise their respective Offices and Employments until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing their said respective Offices, and shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, into Execution, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed under or by virtue of this Act, or of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty.

Treasurer and Clerk not to be the same Person.

IX. 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 other Person in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any such 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 his or their Partner or Partners, shall accept the Office of Treasurer or Treasurers, 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 Partner or Partners, shall accept the Office of Clerk or Clerks in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other 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, Wager of Law, nor more than one Imparlance, shall be allowed.

Officers under former Act to account to Trustees appointed under this Act.

X. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road by the said first-recited Act authorized to be made and kept in repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for, pay, and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this

Act

Act or by the said recited Acts are required to pay or account for the same.

Power to continue Toll Houses, Toll Gates, &c.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or remove the several Turnpikes, Toll Gates, and Toll Houses, erected by the Trustees acting under the said Act hereby repealed, and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, and Toll Houses, if they shall think fit, upon, across, or by the Sides of the said Road by this Act authorized to be repaired and maintained.

Power to remove Toll Gates, &c.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any special Meeting to be holden for that Purpose, of which public Notice, specifying the Time and Place for holding such Meeting and the Purpose thereof, shall have been given in some Newspaper published or circulated in the said County of *Surrey*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Bars, which shall be then continued or erected and standing by virtue of this Act, Fourteen Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Bars, to be removed and placed elsewhere, upon, across, or by or on the Sides of the Road hereby authorized to be repaired and maintained as aforesaid, in such Situations as to them the said Trustees may appear fit or eligible, subject to the Provisoes and Restrictions herein contained.

No Gate to be erected between Reigate and the present Road.

XIII. And whereas the Road from the said Town of *Croydon* joins and communicates with the Road from *Bletchingley* in the County of *Surrey* to the Entrance of the Borough of *Reigate* aforesaid, at the Distance of Two hundred and sixty-four Yards, or thereabouts, from the Entrance to the said Borough, and it is expedient that the Trustees for executing this Act should be restrained from erecting any Turnpikes within the said Limits; be it therefore enacted, That it shall not be lawful for the Trustees appointed or to be appointed under or by virtue of this Act, to erect or place any Turnpike or Toll Gate in, upon, or across any Part of the said Road or on the Sides thereof, between the said Borough of *Reigate* and the Point where the said Road enters the present Highway leading from the said Borough towards *Bletchingley* in the said County.

Footpath to be maintained, &c. from Merstham to Reigate.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to continue and maintain the Footpath by the Side of *Gatton Park* of the Width of Three Feet at least from the Village of *Merstham* to the Town of *Reigate*; and such Footpath shall be maintained and continued Two Feet higher at the least than the said Road.

Power to take Tolls.

XV. And be it further enacted, That it shall be lawful for said Trustees, or such Person or Persons as they shall from Time to Time appoint for that Purpose, to demand and take, at the several Turnpikes, Toll Gates, and Toll Bars already erected, or which may be erected upon, across, or on the Sides of the said Road by virtue of this Act, before any Horse, Beast, or other Cattle, Coach, Waggon, Chaise, Cart, or other

Carriage, shall be permitted to pass through the same, the several Tolls or Sums of Money following; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Sociable, Phaeton, Curricle, Chaise, Gig, Caravan, Hearse, Litter, Chair, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Soles or Bottoms of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches, and less than Six Inches at the Bottom or Soles thereof, the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Sixpence:

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

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

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

Tolls vested in Trustees.

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the Trustees for carrying this Act into Execution; and the same and every of them shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Tolls to be paid only Once a Day, except as after mentioned.

XVI. Provided always, and be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the Turnpikes, Toll Gates, or Side Bars now erected or hereafter to be erected and continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Bar, or any other Turnpike, Toll Gate, or Side Bar erected or hereafter to be erected and continued on the said Road, on the same Day, before Twelve of the Clock at Night, but that every Person, on producing a Note or Ticket denoting the Payment of Toll, shall (except in the Cases herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Bar, with such Horse, Beast, or Cattle, on the same Day, Toll-free.

Horses drawing different Carriages to pay each Time of passing.

XVII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Bars, returning the same Day through the same Turnpike, Toll Gate, or Side Bar, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Bars, the same Day, without again paying Toll; any thing herein contained to the contrary thereof notwithstanding.

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

XVIII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing or repassing through the Turnpikes, Toll Gates, or Toll Bars on the said Road.

Post Chaises to pay for each fresh Hiring.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road, as often as any fresh Hiring thereof shall take place.

Application of Tolls and Money borrowed.

XX. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said first-recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls granted and made payable by this Act and the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto; secondly, in paying and discharging the Interest now due or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties granted and payable by this Act, and in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, upon, across, and by the Sides of the same Road, and otherwise executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby as aforesaid repealed, and also the principal Sums of Money which may hereafter be borrowed and secured by virtue of the said recited Acts of the Third and Fourth Years of His present Majesty's Reign and of this Act, and all other Debts and Sums of Money now owing or which may hereafter become due and owing by or on account of the said Road.

Application of Compensation when amounting to 200*l.*

XXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Monies shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into

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 Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the 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; and shall, when so paid in, 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 the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, 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 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 have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

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

XXII. Provided always, and be it further enacted, That if any Money so agreed or assessed 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, Idiotcy, 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

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 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 and Interest 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 of Exchequer.

Application where less than 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-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 Corporation or 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, in such Manner as the said Trustees or any Three or more of them shall think fit, or in case of Infancy, Idiotcy, 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 Title, or Persons not being found.

XXIV. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 or assessed 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 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 thereto, 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 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 Corporation or Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the 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 thereof, or of 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 be 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 apparent 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 Trustees.

XXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, 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.

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 upon the Day of passing thereof, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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