ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xviii.

An Act for amending and maintaining the Road leading from the Turnpike Road on *Farrard's Common*, in the Parish of *Bradford* through *Holt* and *Melksham*, to *Homan's Stile* in the Parish of *Lacock* in the County of *Wilts*, and the Road leading therefrom to the *Bath* Turnpike Road upon *Kingsdown Hill* in the same County.

[22d *March* 1826.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, widening, turning, and shortening the Road leading from the Turnpike Road on* Farrard's Common *in the Parish of* Bradford, *through* Holt *and* Melksham, *to* Homan's Stile *in the Parish of* Lacock *in the County of* Wilts: And whereas another Act was passed in the Seventeenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Second Year of His present Majesty's Reign, for repairing, widening, turning, and shortening the Road leading from the Turnpike Road on* Farrard's Common *in the Parish of* Bradford, *through* Holt *and* Melksham, *to* Homan's Stile *in the Parish of* Laycock *in the County of* Wilts; *and for completing a Communication between the said Road and the* Bath *Turnpike Road upon* Kingsdown Hill *in the same County:* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty King

2 G. 3. c. 59.

17 G. 3. c. 71.

46 G. 3. c. 49. *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Second and Seventeenth Years of His present Majesty, for repairing the Road leading from the Turnpike Road on* Farrard's Common, *through* Holt *and* Melksham, *to* Homan's Stile *in the Parish of* Lacock *in the County of* Wilts: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed several considerable Sums of Money on the Credit of the Tolls granted and continued by the said Acts, which still remain due and owing, and cannot be paid off, nor can the Roads comprised in the said Acts be properly amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said Acts, and some of the Powers and Provisions thereof, be altered, amended, and enlarged: And whereas it is expedient that the said Three recited Acts should be repealed, and further Provision made for the Repair of the said Roads: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George*

3 G. 4. c. 126. 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

4 G. 4. c. 95. said 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

5 G. 4. c. 69. 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*: 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 First

Recited Acts, 2, 17, & 46 G. 3. repealed, and this Act to take effect.

Day of *January* next after the passing of this Act, the said recited Acts of the Second, Seventeenth, and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and this Act shall from thenceforth commence and take effect and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending and maintaining in repair the Roads herein-after described, that is to say, the Road leading from the Turnpike Road on *Farrard's Common* in the Parish of *Bradford*, through *Holt* and *Melksham*, to *Homan's Stile* in the Parish of *Lacock* in the County of *Wilts*, and the Road leading from the said Road to the *Bath* Turnpike Road upon *Kingsdown Hill* in the same County.

Act to be subject to Debts, &c. under former Acts.

II. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Roads, 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; and all and every Person and Persons owing any Sum or Sums of Money on account of the said Roads to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees for executing this Act.

Conveyances, &c. under former Acts to be valid notwithstanding the Repeal of those Acts.

III. And be it further enacted, That all Conveyances, Mortgages, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into on account of the said Roads by any Person or Persons to or with the Trustees for executing the said first Three recited Acts, or any of them, 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; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said first Three recited Acts, with or to any Person or Persons for any Purpose relating to the said Roads or to the Execution of the said Acts, or any of them, so far as the same relate to the said Roads, 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, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

Books of Proceedings kept under former Acts to be Evidence, and open to the Inspection of the Trustees and Creditors.

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Three recited Acts, kept according to the Directions or Provisions thereof, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements made under the said first Three recited Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Powers of recited Acts, 3, 4, & 5 G. 4. extended to this Act.

V. 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 of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth 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, and the Power and Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same

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

Appointment of Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Wilts* for the Time being, together with *Ambrose Awdry*, *Ambrose Awdry* the younger, *John Awdry* the younger, *Peter Awdry*, *Jeremiah Awdry* Clerk, *William Bruges*, *Thomas Bruges* the younger, *Christopher Beaven*, *Edward Cooper*, *James Chapman*, *John Fuller* the younger, *John Fowler*, *John Fox*, *William Fox*, *Robert Hale*, *Blagden Hale*, *George Hume* Clerk, *Thomas Heathcote* Clerk, *Thomas Jefferys*, *Daniel Jones Long*, *John Long* the younger, *Walter Long* Clerk, *Thomas Noyes Lewis*, *George Moule*, *Frederick Moule*, *Thomas Miles*, *Edward Phillips* the younger, *Thomas Redman*, *James Redman*, *William Redman*, *Thomas Redman* the younger, *James Smith*, *John Tylee*, *Thomas Tylee*, and *Bourchier William Wrey* Clerk, 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 and maintaining the said Roads, and for otherwise putting this Act in Execution.

Power of appointing 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, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (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 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.

First Meeting of Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the House known by the Sign of the *King's Arms* in *Melksham* aforesaid, or some other convenient Place in *Melksham* aforesaid, on the Third *Wednesday* next after the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places within the said Town of *Melksham*, or in the Neighbourhood of the said Roads, as they shall think proper.

Old Officers to continue until removed.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisionso f the said recited Acts passed in the Third and Fourth Years 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 first Three recited Acts, 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 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,

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.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities 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 any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees (if they think proper) to continue or remove all and every or any of the Toll Gates or Turnpikes and Toll Houses and Weighing Machines now standing and being in or upon or across the said Roads, or on the Sides thereof; and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Trustees to erect Toll Gates and

XII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, upon each and every

take Tolls on each of the Branches.

every Branch of Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions in this Act and the said recited Acts contained.

No Money to be laid out on Roads where there is no Turnpike erected or Tolls taken.

XIII. Provided also, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act and the said recited Acts.

Power to take Tolls.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains which are or shall be standing and being or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, or any Part or Parts thereof, and 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 drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricle, Chair, or other Carriage of whatever Description, the Sum of Sixpence:

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

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

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

Which said several and respective Tolls or Sums of Money hereby granted shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, and such several and respective Tolls or Sums of Money shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be applied for the Purposes of this Act in manner herein-after directed.

Two Oxen, &c. to be considered as One Horse.

XV. Provided always, and be it further enacted, That in all Cases where any Waggon, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat shall, for the Purposes of the said Acts and this Act, be considered as One Horse.

Tolls to be paid but Once a Day.

XVI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any

Horse, Beast, or Cattle through any one of such Toll Gates or Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through all other Toll Gates, Turnpikes, and Side Gates on the said Roads, or on the Sides thereof, at any Time or Times during the same Day (to be computed as aforesaid), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

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

Post Chaises to be subject to Toll on every new Hiring.

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

Application of the Tolls.

XIX. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts on account of the said Roads, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) be applied in the first place in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Roads by virtue of the said first Three recited Acts, in preference to the Interest of any Monies to be borrowed on the Credit of this Act, and in the next place in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of this Act, and afterwards in amending and maintaining in repair the said Roads, and in otherwise putting this Act into Execution, and then in repaying the Principal Monies already borrowed on the Credit of the Tolls arising on the said Roads by virtue of the said first Three recited Acts, and lastly, in repaying the Principal Monies to be borrowed on the Credit of this Act.

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

XX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person

or

or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex-parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign
1 G.4. c.35. 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; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 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 to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person

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, Lunacy, or other Incapacity, with the Approbation of the said Trustees or any Three or more of them, 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 may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l*.

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid 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 purchased, taken, or used for the Purposes of this Act, for his, her, and their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

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, taken, or used under or by virtue of the Powers 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 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 there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by

Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order 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 therein 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 of *England* as aforesaid.

In case of disputed Titles.

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, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court to order reasonable Expences to be paid by 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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.

XXVI. And

XXVI. 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. Public Act.

XXVII. And be it further enacted, That this Act shall commence upon the First Day of *January* next after the passing of this Act, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

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