ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 38.

An Act for continuing the Term, and altering and enlarging the Powers of an Act, passed for repairing the Road from the Town of *Brecon*, through the Town of *Hay*, to the *Builth* and *Hay* Turnpike Road, near *Llyswen*, in the County of *Brecon*; and for more effectually repairing the Road leading from the *Furnace* Turnpike Gate, to the Gate leading to *Garthbrengy Common*, in the said County.

[16th *May* 1804.]

WHEREAS an Act was paſſed in the Twenty-ſecond Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for repairing and widening the Road from the Town of* Brecon, *through the Town of* Hay, *in the County of* Brecon, *and alſo the Road through* Mariſh Lane, *to the* Builth *and* Hay *Turnpike Road, near the Village of* Llyſwen, *in the ſame County*: And whereas the Truſtees for putting the ſaid Act in Execution, with reſpect to the ſaid Road from the Town of *Brecon*, through the ſaid Town of *Hay*, to the *Black Lion* and *Whitney* Turnpike Gates there, have from Time to Time proceeded in the Execution of the ſame, and a very conſiderable Sum of Money hath been borrowed on the Credit of the Tolls thereby granted, which ſtill remains due and owing, and cannot be paid off, nor can the ſaid Road be effectually amended, improved, and kept in Repair, unleſs the Term of the ſaid Act be further continued, and the Powers and Proviſions thereof in ſome Reſpects. 22 Geo. 3.

Reſpects altered, amended, and enlarged; and it is neceſſary that the Tolls granted by the ſaid Act ſhould be increaſed: And whereas the Road in the ſaid Act mentioned, that is to ſay, the Road leading through the *Mariſh Lane*, to the *Builth* and *Hay* Turnpike Road, near the Village of *Llyſwen* aforeſaid, having been included in an Act, paſſed in the Twenty-ſeventh Year of the Reign of His ſaid preſent Majeſty, for enlarging the Term and Powers of an Act, paſſed in the Seventh Year of the Reign of his ſaid preſent Majeſty, for repairing and widening the ſeveral Roads in the County of *Brecon*, and for amending certain other Roads in the ſaid County, hath been amended and repaired by the Truſtees for executing the ſaid laſt mentioned Acts accordingly; but it is expedient that the Truſtees for executing the ſaid firſt recited Act, ſhould be diſcharged from the future Care and Management thereof: And whereas the Road leading from the Turnpike Gate, called *The Furnace Turnpike Gate*, and which runs from thence on the Left Hand Side of the ſaid Turnpike, through the Village of *Llandiwe*, to the Gate leading to *Garthbrengy* Common, is much out of Repair, narrow and incommodious, and cannot be effectually amended, widened, altered, improved, and kept in Repair, by the ordinary Courſe of Law; and it would be a great Convenience to the Neighbourhood, and of public Utility, if the ſame were made Turnpike, and included under the Powers and Proviſions of the ſaid firſt recited Act and this Act; 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 the ſaid recited Act, paſſed in the Twenty-ſecond Year of the Reign of His preſent Majeſty, and the ſeveral Powers, Proviſions, Clauſes, Matters, and Things, therein contained (except ſo much thereof as relates to the Road leading through the *Mariſh Lane*, to the *Builth* and *Hay* Turnpike Road, near the Village of *Llyſwen* aforeſaid, and alſo except ſo much of the ſaid Act as relates to Exemption from Stamp Duties, and ſuch as are hereby varied, altered, or repealed) ſhall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, for the Purpoſe from Time to Time of repairing, widening, turning, altering, improving, and keeping in Repair, the Road now included in the ſaid firſt recited Act; and alſo for making, widening, turning, altering, improving, and keeping in Repair, the Road leading from the *Furnace* Turnpike Gate, on the Left Hand Side of the ſaid Turnpike through the Village of *Llandiwe*, to the Gate leading to *Garthbrengy* Common, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Act, and the Clauſes, Powers, and Proviſions, therein contained, were repeated and re-enacted in the Body of this Act, and as if the ſaid additional Road had originally been Part of the Roads included in the ſaid firſt recited Act; but ſubject nevertheleſs to the Proviſions, Alterations, and Amendments, in this Act contained, and which ſhall commence and take Effect from the paſſing of this Act; and this Act, and the additional Term, and the Tolls hereby granted, ſhall be ſubject and liable to the Payment of all Money now due on the Credit or on Account of the ſaid firſt recited Act, or any former Act, or which ſhall have been or ſhall be borrowed on the Credit of the ſame and of this Act, and the Intereſt due and to grow due thereon reſpectively.

22 Geo. 3. continued, except what relates to the *Mariſh Lane* Road.

The *Furnace* and *Garthbrengy* Common Road to be added to this, and the ſaid Act, and to be repaired, &c.

Diſcharging the Truſtees from the

II. And be it further enacted, That from and immediately after the paſſing of this Act, ſo much of the ſaid recited Act, paſſed in the Twenty-ſecond

Year of His said present Majesty's Reign, as relates to the said Road through the *Marish Lane*, to the *Builth* and *Hay* Turnpike Road near the Village of *Llyswen*, shall be, and the same is hereby declared to be repealed; and that the Trustees for executing the said Act shall be, and they are hereby absolutely freed and discharged of and from the future Care and Management thereof.

Care, &c. of the *Marish Lane* Road.

III. And whereas the Quorum of Seven Trustees appointed by the said first recited Act, in certain Cases, is found to be too large, it frequently happening that so great a Number cannot be assembled, be it therefore further enacted, That all Acts, Matters, and Things (except the Power given to the said Trustees of letting, raising, and lessening the Tolls to be collected under and by virtue of this Act, and the Powers of erecting and taking down Turnpikes, Toll Houses, and Toll-Gates; the Power of purchasing and exchanging of Lands, and the Power of electing and chusing new Trustees, and of appointing or removing Officers under the said Act and this Act) which by the said Act are authorized, directed, and required to be done, executed, performed, and determined, by Seven or more Trustees, shall and may from Time to Time hereafter be done, executed, performed, and determined, by the said Trustees, or any Five or more of them, and the same, when so done, shall be as valid and effectual as if such Acts, Matters, and Things (except as aforesaid) had been done, executed, performed, and determined, by the said Trustees, or any Seven or more of them; the said recited Act, or any Thing therein contained to the contrary thereof in anywise notwithstanding.

For lessening the Quorum of Trustees in certain Cases.

IV. And be it further enacted, That from and after the passing of this Act, no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be possessed of an Estate in Lands, Tenements, and Hereditaments, in the said County of *Brecon*, of the clear yearly Value of Forty Pounds above Reprizes, or possessed of or entitled to a Personal Estate to the Amount or Value of Eight Hundred Pounds over and above Payment of his Debts, or unless such Person shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds, in the County of *Brecon*, and unless such Person so qualified as aforesaid, shall take an Oath in the Words or to the Effect following; that is to say:

Qualification of Trustees.

'I *A. B.* do swear, that I truly and *bonâ fide* am, in my own Right [*or* in the Right of my Wife] in the actual Possession and Enjoyment [*or* Receipt] of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear Yearly Value of Forty Pounds, in the County of *Brecon*, *or*, that I am Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes in the County of *Brecon*, *or*, that I am possessed of or entitled to Personal Estate alone of the Value of Eight hundred Pounds, over and above Payment of my Debts. So help me GOD.'

Oath.

V. And be it further enacted, That from and after the Third Day of *March* One thousand eight hundred and five, the several Tolls and Duties granted by the said recited Act, passed in the Twenty-second Year of the Reign of His present Majesty, shall cease, determine, and be no longer paid or payable; and that instead thereof the following Tolls shall or may be

Repealing former Tolls, and granting new ones.

be demanded and taken, before any Horſe, Beaſt, or other Cattle or Carriage, ſhall be permitted to paſs through any Gate or Turnpike erected or to be erected by virtue of this or the ſaid recited or any former Act, upon and acroſs any of the ſaid Roads, or upon and acroſs any Lane or Way leading into the ſame; that is to ſay:

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt of Burthen, laden or unladen, and not drawing, a Sum not exceeding Two Pence, at each Gate and Bar throughout the Whole of the ſaid Roads:

For every Horſe, Mare, Gelding, Mule, or other Beaſt of Burthen, drawing any Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, a Sum not exceeding Nine Pence; and for every ſuch Carriage with Wheels of Six Inches and upwards, a Sum not exceeding Six Pence, at each Gate and Bar throughout the Whole of the ſaid Roads:

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Coach, Chariot, Chaiſe, or other ſuch like Carriage, either with Two or Four Wheels, a Sum not exceeding Nine Pence, at each Gate and Bar throughout the Whole of the ſaid Roads:

For every Score of Oxen or other Neat Cattle, a Sum not exceeding One Shilling and Eight Pence, at each Gate and Bar throughout the Whole of the ſaid Roads: And

For every Score of Calves, Swine, Goats, Sheep, or Lambs, a Sum not exceeding Ten Pence, at each Gate and Bar throughout the Whole of the ſaid Roads; and ſo in proportion for every greater or leſs Number of Oxen or other Neat Cattle, Calves, Swine, Goats, Sheep, or Lambs.

Double Tolls on Sundays.

VI. And be it further enacted, That on every Sunday, during the Continuance of this Act, there ſhall or may be demanded and taken at each of the Gates or Turnpikes already erected or to be erected, under and by virtue of this or the ſaid recited or any former Act, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to collect and receive the ſame, before any Horſe, Cattle, or other Beaſt ſhall be permitted to paſs through the ſame, a Sum not exceeding Double the Tolls hereinbefore directed to be taken on any other Day of the Week: Which ſaid reſpective Tolls ſhall be veſted in the ſaid Truſtees, and ſhall be collected and recovered in the ſame Manner, and with ſuch Remedies for Non-payment or Evaſion thereof, as are contained in the ſaid firſt recited Act; and the ſaid Truſtees ſhall and may proportion, divide, or allot the ſame, to be received and taken at all or any of their Turnpike Gates and Bars, collectively or ſeparately, as they may think proper; but no Toll ſhall be taken at any Gate or Bar more than Once in the ſame Day within Twenty-four Hours, computing the Time from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night.

Tolls veſted in the Truſtees, who may apportion the ſame.

Exemptions from Toll.

VII. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie; or Hay, Straw;

Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Soilage, Compoſt, or Manure, employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a Sunday, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a Sunday, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts, or Carriages, employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſe, Cattle, or Beaſt drawing any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Brecon*, *Radnor*, or *Hereford*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid Act, or this Act; any Thing in the ſaid Acts to the contrary notwithſtanding.

Exemption from Toll at Gate erected between Glaſbury Gate and Brwynllys.

VIII. And be it further enacted, That in caſe any Turnpike Gate or Bar ſhall or may be erected or placed between the preſent Turnpike Gate called *Glaſbury Gate*, in the County of *Radnor*, and the Village of *Brwynllys*, in the ſaid County of *Brecon*, for the Purpoſe of taking Toll for narrow wheeled Waggons, Carts, or other ſuch Carriages (on which Account alone ſuch Turnpike Gate or Bar ſhall be permitted to be erected and placed) a Ticket denoting the Payment of Toll at either of the Gates erected under and by virtue of the ſaid recited Act, ſhall exempt every ſuch Carriage from the Payment of Toll at ſuch Gate or Bar ſo to be erected between *Glaſbury Gate* and *Brwynllys* aforeſaid; any Thing herein or in the ſaid firſt recited Act to the contrary notwithſtanding.

Truſtees enabled to bor-

IX. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held for that Purpoſe, whereof Ten Days Notice

row Money on the Credit of the Tolls.

Notice ſhall be given in Writing, to be affixed upon all the Turnpikes then erected, and on the Market Houſes of *Brecon* and *Hay*, reſpectively, and alſo inſerted in ſome one Newſpaper circulating within the ſaid Counties, may and they are hereby empowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the Tolls by this Act granted, or any Part thereof, reſpectively, and alſo the ſaid reſpective Toll Houſes and Appurtenances (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the ſaid Truſtees, or any Seven or more of them, upon the Credit of the ſaid Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance and lend the ſame, to ſecure the Re-payment thereof, with ſuch legal or leſs Intereſt as the ſaid Truſtees, or any Seven or more of them, ſhall think proper, which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of in ſuch Manner as the Tolls hereby granted are herein directed to be applied and diſpoſed of; and that ſuch Mortgage or Mortgages, or Aſſignments, may be in the Form following, or in ſuch other Form as the Truſtees making the ſame ſhall think proper; *videlicet*:

Form of Mortgage.

'BY Virtue of an Act, paſſed in the Forty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, An Act, &c. [*here inſert the Title of this Act*]: We, Seven of the Truſtees, appointed under the ſaid Act and the Act therein mentioned and continued, in Conſideration of the Sum of to the Treaſurer of the ſaid Roads in Hand paid, do grant, bargain, ſell, and demiſe, unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing from the ſaid Roads, and of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Acts, unleſs the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be ſooner paid and ſatisfied.'

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected by the ſaid Truſtees or Mortgagees, or any Perſon or Perſons on their Behalf, without Fee or Reward; and every Perſon to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his or her Right, Title, Intereſt, or Benefit, to the ſaid Mortgage, and the Principal and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever, by Indorſement on the Back of ſuch Security, or by any other Writing under his or her Hand, before One credible Witneſs, in the following Words or Words to the following Effect; *videlicet*:

Form of Transfer.

'I Do transfer this Mortgage [*or*, a certain Mortgage, *as the Caſe may be*] with all my Right and Title to the Principal thereby ſecured, and to all Intereſt now due upon the ſame, unto Executors, Adminiſtrators, and Aſſigns. Dated this Day of

'*A. B.*

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Twenty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the beforementioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Five Shillings; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except ſuch to whom the ſame ſhall be laſt transferred), to make void, releaſe, or diſcharge the original Security or Monies thereby due, or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made by virtue of this Act, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of the Time of advancing any Sum or Sums of Money on ſuch Mortgage or Mortgages, or of the Dates thereof reſpectively.

Creditors to be equal.

X. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands and Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Act and this Act, 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 and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands and Hereditaments, or affecting other Lands and 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 Meſſuages, Lands, and 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 and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery 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 mean Time and until the ſaid

Directing the Application of Money paid for Compenſation for Lands, &c. whenamounting to or exceeding 200l. into Chancery for the Owners, by Petition.

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 and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l. to Two Truſtees, &c.

XI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands and Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 and 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, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 Five or more of the ſaid Truſtees, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in 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 Court of Chancery.

Where leſs than 20l. to Perſons appointed by Five Truſtees.

XII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before-mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Act and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, 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 not making out Titles; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XIII. 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 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 and may be lawful to and for the ſaid Truſtees, or any Five or more of them, 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

the High Court of Chancery, 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 Chancery; which ſaid Court of Chancery, 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.

ſubject to the Order of the Court of Chancery, on Motion or Petition.

XIV. 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 High Court of Chancery, in purſuance of the ſaid recited Act or 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 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 Chancery; and the Dividends or Intereſts 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.

Where a Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XV. Provided always, 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 Act or 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 or the ſaid Act, or ſo much of ſuch Expences as the 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

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

from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For paying the Expences of this Act.

XVI. And be it further enacted, That out of the Monies raiſed by virtue of the ſaid recited Act, and which ſhall be in the Treaſurer's Hands, and out of the firſt Monies which ſhall be raiſed by virtue of this and the ſaid recited Act, the ſaid Truſtees ſhall in the firſt Place pay and diſcharge all the Coſts, Charges, and Expences, incident to and attending the procuring and paſſing of this Act; and the Remainder of the Money ſo raiſed, ſhall from Time to Time be paid and applied in paying the Principal Monies by the ſaid recited Act and this Act charged and borrowed, and to be charged and borrowed upon the ſame reſpectively, for the Repair of the ſaid Roads, and the Intereſt due and to grow due thereon.

Declaring the Act public.

XVII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Term of the Act.

XVIII. And be it further enacted, That the Term granted by the ſaid recited Act, ſhall on the paſſing hereof ceaſe and determine; and that the ſaid recited Act (ſubject to the Variations, Alterations, and Additions, herein contained) and this Act, ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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