ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. li.

An Act for amending, improving, and maintaining in repair the Road between the Point at which the great Roads from the City of *Carlisle* to the Cities of *Edinburgh* and *Glasgow* respectively separate, and *Westlinton Bridge* in the County of *Cumberland*. [28th *May* 1827.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and keeping in repair the Road leading from the Guide Post at the Top of* Stanwix Bank, *near the City of* Carlisle, *to* Westlinton Bridge *in the County of* Cumberland: And whereas the Trustees appointed by or in pursuance of the said recited Act proceeded in the Execution thereof, and a considerable Sum has been borrowed, and Part thereof still remains due and owing on the Credit of the Tolls authorized to be taken by the said Act: And whereas the Road between the Point at which the great Roads from the City of *Carlisle* to the Cities of *Edinburgh* and *Glasgow* respectively separate, and *Westlinton Bridge*, forms Part of the great Line of Communication between the City of *Carlisle* and the City of *Edinburgh*, and the Eastern Parts of *Scotland*, and the same cannot be effectually amended, improved, and kept in repair unless further Provisions be made for these Purposes: And

46 G. 3. c. 53.

And whereas an Act was passed in the Third Year of the Reign of
3 G. 4. c. 126. His present Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His present
4 G. 4. c. 95. Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty,
5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and amending 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

Recited Act of 46 G. 3. repealed.

Authority of the same, That from and after the passing of this Act the said recited Act made in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby repealed.

This Act to be executed for repairing the Road herein mentioned.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of making, amending, improving, and keeping in repair the Road between the Point at which the great Roads from the City of *Carlisle* to the Cities of *Edinburgh* and *Glasgow* respectively separate, and *Westlinton Bridge* in the County of *Cumberland*.

Powers of General Turnpike Actsextended to this Act.

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

Debts contracted under the former Act secured by this Act.

IV. And be it further enacted, That this Act, and the Term and Tolls hereby granted and made payable, shall be and they are hereby declared to be subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty, 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

and become due on the Credit of this Act, or the Tolls hereby authorized to be collected.

Bonds, Contracts, and Securities entered into under the former Act to continue in force.

V. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, Securities, and Debts entered into or owing by any Person or Persons with or to the Trustees for executing the said recited Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of the Trustees of this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said recited Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, the Repeal of the said recited Act, or any Law, to the contrary notwithstanding.

Books kept under former Act to be Evidence.

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

Old Mortgages may be called in and new ones granted.

VII. And be it further enacted, That the said Trustees may receive in and cancel all or any of the Mortgages now standing out, and instead and in lieu thereof respectively give and execute another Mortgage or other Mortgages, at the Expence of the Parties requiring the same, upon the Tolls of the said Road granted by this Act.

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

VIII. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Act hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfer of such Mortgages or Assignments; and it is reasonable that in Cases when it can be proved to the Satisfaction of the Trustees that any Person or Persons is or are truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Act, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for the securing the Repayment of the Money now due on the Credit of the said Act or the Tolls thereby granted; be it therefore enacted, That in all Cases when it shall appear by the Books kept by the Clerk or Treasurer to the said Trustees for executing this Act, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by the said Act hereby repealed, to be taken on the Road comprised in this Act, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it

it shall and may be lawful for the said Trustees, or any Five or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Trustees.

IX. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Cumberland* for the Time being, together with *Thomas Atkinson*, *Henry Aglionby Aglionby*, *William Blamire*, *Edward Joseph Birkett*, *Richard Cust*, *William Dobinson*, *John Forster* of *Newtown*, *John Forster* of *Carlisle*, *James Fairbairn*, *Fergus Graham* LL.B., *William Graham* A.M., *Fergus Graham*, *Charles James Graham*, *William Hodgson*, *Thomas Coulthard Heysham*, *John Heysham* Clerk, *Humble Lamb*, *Richard Lowry* of *Durnhill*, *Richard Lowry* of *Carlisle*, *George Stephenson Mounsey*, *Robert Mounsey*, *James Mounsey*, *George Gill Mounsey*, *James Mulcaster*, *Thomas Pattinson* Clerk, *Henry Pearson*, *Thomas Ramshay*, *John Ramshay*, *Rowland Stephenson*, *John Studholme*, *William Sowerby*, *James Thompson*, and *John Yule*, 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 carrying this Act into Execution.

Power to appoint additional Trustees.

X. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Ten Days Notice shall be given in manner directed by the said recited Act of the Third Year of the Reign of His present Majesty with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons not exceeding Three to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in and by this Act.

Meetings of Trustees.

XI. And be it further enacted, That the said Trustees shall meet at the Coffee House or at some other convenient Place in *Carlisle*, on the First *Saturday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Two of the Clock, and shall then and there proceed to put this Act in execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Places upon or near to any Part of the said Road as they shall think proper.

Old Officers to continue in Office.

XII. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts, 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

by virtue of the said Act hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by this Act.

Clerk not to act as Treasurer, and vice versâ.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit 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, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to continue or remove and erect Toll Gates, &c.

XIV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to continue or remove any Toll Gate, Toll House, Turnpike, or Bar standing upon or across the said Road, and also all or any of the Side Gates, Side Bars, or Chains now standing or being upon the Sides thereof, and from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road, or any Part thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate, Turnpike, Bar, or Chain, or any Weighing Machine or Weighing Machines, and also to erect or provide a Toll House, with suitable Outbuildings, Lamps, and Conveniences thereto, and to take in and inclose from the Sides of the said Road a convenient Garden Plot or Plots to the said Toll House, not exceeding One Eighth Part of an Acre, and also to erect and set up, or cause to be

erected and set up, such Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Gates, Side Bar or Bars, Chain or Chains, upon or across any Lanes or Ways leading into the said Road, as they shall think proper, and from Time to Time afterwards to remove, alter, or discontinue such Toll Gate or Toll Gates, Toll House or Toll Houses, Turnpike or Turnpikes, Side Gate or Gates, Side Bar or Bars, and Chain or Chains respectively, or any of them, as they the said Trustees shall think proper and expedient.

Power to take Tolls.

XV. And be it further enacted, That upon and from and after the passing of this Act the respective Tolls following shall (subject to any Order which shall be made respecting the same at the First or any other Meeting of the said Trustees, and subject thereafter to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of His present Majesty contained) be demanded and taken at each and every Toll Gate, Turnpike, Toll Bar, Side Gate, Side Bar, or Chain, to be continued or erected upon, across, or on the Side or Sides of the said Road, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Beast, Cattle, Coach, Cart, or other Carriage shall be permitted to pass through any such Toll Gate, Turnpike, Toll Bar, Side Gate, Side Bar or Chain; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine. Curricle, Phaeton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, Litter, or other such like Carriage, when the Number shall not exceed Two, the Sum of Two-pence; and when the Number shall exceed Two, but shall not exceed Four, the Sum of Three-pence; and when the Number shall exceed Four, but shall not exceed Six, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, when the Number shall exceed One, the Sum of One Penny Halfpenny; and when the Number shall not exceed One, the Sum of Two-pence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Bulls, Cows, Steers, or Heifers, the Sum of Four-pence; and so in proportion for every larger or smaller Number:

And for every Score of Calves, Hogs, Sheep, or Lambs, the Sum of One Penny; and so in proportion for every larger or less Number:

And such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner hereinafter directed.

Tolls to be paid but Once in passing and repassing on the same Day.

XVI. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any Toll Gate, Turnpike, or Toll Bar, Side Gates, Side Bars, or Chains, to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting such Payment for that Day, which Ticket the Collector or Collectors

of such Toll is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time during the same Day, except as herein-after mentioned: Provided always, that all and every Person or Persons who shall have passed and repassed Once in the same Day through the same Toll Gate, Turnpike, Toll Bar, Side Gate, Side Bar, or Chain as aforesaid, shall be subject and liable to the Payment of the like Toll for and in respect of every Horse or other Beast for every Third Time such Horse or other Beast shall afterwards pass through the same Toll Gate, Turnpike, Toll Bar, Side Gate, Side Bar, or Chain, during the same Day; any thing herein contained to the contrary notwithstanding.

Number of Tolls limited.

XVII. Provided always nevertheless, and be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of the same Horses, Cattle, or Beasts, passing and repassing on the same Day through all the Toll Gates, Turnpikes, Toll Bars, Side Bars, Side Gates, or Chains to be continued or erected on the whole of the Road to be repaired by virtue of this Act.

Stage Coaches, Post Chaises, &c.

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

Exemptions.

XIX. And be it further enacted, That no Toll shall be demanded or taken for any Horses, Cattle, or Carriages, carrying any Lime, Marl, Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land in any of the Parishes, Hamlets, or Places through which any Part of the said Road passes; nor for any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, employed in carrying or conveying, or going to fetch, carry, or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, nor for any Horse or Horses employed in carrying or conveying, any Corn, Grist, Barley, or Malt, of the Owner's own Growth, to or from any Corn Mill or Kiln situate within any Parish, Hamlet, or Place in which any Part of the said Road may lie, for the Grower's own Consumption and not for Sale, within the Distance of Two Miles.

Lamps to be lighted at Toll Houses.

XX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed on or against or in front of any Toll House

House erected or to be erected on the said Road, and to order and direct at what Time of the Year and during what Hours such Lamp or Lamps shall be kept lighted; and the Collector or Collectors of Tolls to be employed at any such Toll House, neglecting or omitting to perform the Orders of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every Neglect or Omission.

Application of Tolls and Money borrowed.

XXI. And be it further enacted, That all the Monies which before the passing of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, or by virtue of the Provisions of the said recited Act of the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with all Monies which shall hereafter be borrowed upon the Credit thereof, or arise and be produced by virtue thereof, or of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and not otherwise appropriated, 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 all the Interest which shall at the Commencement of this Act be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore made payable under the said recited Act hereby repealed; thirdly, in paying and discharging all the Interest which shall hereafter accrue or become due upon or by virtue of any Mortgages or Securities which have been already made or granted of the Tolls or Duties heretofore made payable; fourthly, in defraying the Expences of building or erecting any additional or new Toll House and Toll Gate, or Toll Houses and Toll Gates, and suitable Outbuildings and other Conveniences, herein-before authorized to be erected and built upon or across or by the Side of the said Road; fifthly, in paying and discharging all the Interest which shall hereafter accrue or become due upon or by virtue of any Mortgages and Securities which shall after the Commencement of this Act be made and granted of the Tolls or Duties hereby made payable on the said Road; sixthly, in defraying the Expences of making, amending, improving, and keeping in repair the said Road, and of erecting, providing, and altering and repairing such Turnpikes, Toll Gates, Bars, Chains, Toll Houses, and Buildings as aforesaid, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging all such Principal Sums of Money as shall or may after the Commencement of this Act be borrowed and secured upon the Tolls hereby authorized to be collected, and all other Debts and Sums now or hereafter to become due and owing by or on account of the Trusts under and by virtue of this Act.

Application of Compensation when amounting to 200*l.*

XXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited

cited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said Act mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may 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 Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum

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

Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20*l.*

XXIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last aforesaid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of disputed Titles to Lands.

XXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act of the Third Year of the Reign of His present Majesty, or 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 any Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and

invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles to Money.

XXVI. 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 the said recited Act passed in the Third Year of the Reign of His present Majesty, or 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 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, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expence of re-investing Purchase Money to be paid by Trustees.

XXVII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said last-mentioned Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXVIII. And

Public Act.

XXVIII. 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.

XXIX. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force 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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