ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xxxix.

An Act for more effectually repairing and improving the Roads leading from *Pick's Hill*, near the Town of *Langport Eastover*, in the County of *Somerset*, through *High Ham*, *Ashcott*, and other Places, to *Meare*, in the said County.

[11th *April* 1826.]

WHEREAS it would be of great public Utility to improve the Line of Road from *Pick's Hill*, near the Town of *Langport Eastover*, in the County of *Somerset*, through *High Ham* and *Ashcott* in the said County, to *Meare*, as herein-after mentioned, and place the same under the Care and Management of Trustees: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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,

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Commencement of this Act.

and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Powers and Authorities herein contained shall commence and take effect and be put in execution for and during the Term herein-after mentioned, for the Purpose of making, repairing, widening, diverting, altering, straightening, and maintaining the Line of Road situate and lying in the said County of *Somerset*, and herein-after described; (that is to say), the present Road from the Top of *Pick's Hill*, near *Langport Eastover*, and (branching out of the Turnpike Road between *Langport Eastover* and *Somerton*) to a certain Point near *High Ham* Farm House, within the Parish of *High Ham*, and therefrom a new Road through and across divers Orchards, Lands, and Roadways, to the Entrance of *Ham Drove*, in the *King's Sedgmoor*, and from thence through Part of that Drove, and across divers Closes of Land, and into *Pedwell Drove*, in the said Moor, and from that Point through the last-mentioned Drove to the *Taunton* Turnpike Road at *Pedwell*, and from thence (after crossing that Turnpike Road) over the present Road from the *Pedwell* Brewery through the Village of *Ashcott* and *New Farm Lane* by *Buskett* Farm over *Ashcott* and *Meare* Heathway to the Northern End of *Puckerel Lane*, leading into *Meare Street*, and which said Line of Road lies in the several Parishes of *High Ham*, *Huish Episcopi*, *Long Sutton*, *Butleigh*, *Ashcott*, and *Meare* (except all such Parts of the several before-described Lines of Road as the Inhabitants of the said County are liable to repair, or are contained in any other Turnpike Act or Acts).

Powers of recited Acts extended to this Act.

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

Fixing the Boundaries of Parishes on the Line of Road.

III. And whereas Doubts may arise as to the Boundaries of the several Parishes upon the Line of the said Road; for settling which, for all the Purposes of this Act, be it enacted, That so much of the said Road as lies between the Top of *Pick's Hill* aforesaid and *Pedwell Drove* aforesaid, shall be deemed and considered to be in and Part of the said Parish of *High Ham;* so much of the said Drove called *Pedwell Drove* as lies between the last-mentioned Point and *Huish Drove* in the said Moor, shall be deemed and considered to be in and Part of the said Parish of *Long Sutton;* so much of the said Drove as lies between the last-mentioned Point and the Eighteen Foot Rhine, which divides the *Huish Episcopi* and *Ashcott* Allotments in the said Moor, shall be deemed and considered to be in and Part of the said Parish of *Huish Episcopi;* so much of the said Drove as lies between the last-mentioned Point and a Point at the Distance therefrom of Eight hundred and sixty Yards in Length, shall be

deemed and considered to be in and Part of the said Parish of *Butleigh*; so much of the said Drove and Line of Road as lies between the last-mentioned Point and a certain Drain dividing the Parishes of *Ashcott* and *Meare* aforesaid, called the *New South Drain*, shall be deemed and considered to be in and Part of the said Parish of *Ashcott*; and the Residue of the said Line of Road to the Northern End of *Puckerel Lane* aforesaid, shall be deemed and considered to be in and Part of the said Parish of *Meare*.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Somerset*, together with *John Atkins*, *Nicholas Broadmead*, *John Heard Clarke*, *George Chard*, *John Chard* Clerk, *John Bull Emery*, *Benjamin Cuff Greenhill*, *Samuel Gatton*, *Samuel Tertius Gaiton*, *William Gare*, *Francis Gillett*, *John Gillett*, the Honourable *George Neville Grenville* Clerk, *Shuckburg How*, *Shuckburg How* junior, *Richard Holman* junior, *George Augustus Frederick Lambert* commonly called Viscount *Kilcoursey*, *John Lilly*, *William Phelps* Clerk, *John Perrin*, *William Reynolds*, *William Ryall*, *John Rocke*, *Joseph Shaw* Clerk, *Robert Tucker*, *John Trutch*, *George Bailey Tuson* Clerk, *Walter West*, *John Woodland*, *William Williams*, *Lockyer Walton*, *Robert Beck Willy*, and their Successors, being duly qualified according to the Directions of the Powers and Provisions of the said recited Acts, shall be and they are hereby appointed Trustees for making, amending, altering, turning, widening, improving, and keeping in repair the said Line of Road by this Act intended to be made, amended, altered, turned, widened, improved, and kept in repair, and for otherwise putting into Execution this Act and such of the Powers and Provisions of the said recited Acts as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be holden for that Purpose (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of Persons not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and the Trustees so elected and appointed, and being duly qualified according to the Directions of the said recited Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

Time and Place of First Meeting.

VI. And be it further enacted, That the said Trustees shall meet at *Piper's Inn*, or at some other convenient Place in the Parish of *Ashcott*, in the said County, on the Third *Monday* after the passing of this Act, or so soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then proceed to carry the said recited Acts and this Act into Execution, and may then make such Appointments of Clerks, Treasurers, Surveyors, and other Officers, as they shall think proper.

VII. And

Annual General Meeting.

VII. And be it further enacted, That a General Annual Meeting of the said Trustees shall be holden on the *Wednesday* before the *Midsummer* Quarter Sessions of the Peace for the said County of *Somerset*, at such Place as the said Trustees shall for that Purpose direct, and with the like Power of Adjournment in respect thereto as is given by the said recited Acts with respect to the first Meeting therein mentioned; and that in all Cases where a sufficient Number of the Trustees shall not meet, or for want of a proper Adjournment, it shall be lawful for their Clerk to give Notice of Adjournment as directed by the said first-recited Act in Cases where no Meeting of Trustees shall be held, and the said Trustees shall and may meet and act at such Meeting as they might have done at the Time appointed for holding the Meeting in lieu of which such Adjournment shall be made.

Treasurer and Clerk not to be the same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who 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 his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who 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 his Partner, the Clerk to the said Trustees; 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 his Partner, shall accept the Office of 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 his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept 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 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.

For erecting Toll Gates.

IX. And be it further enacted, That for the Purposes of collecting and receiving the Tolls hereby granted and allowed to be taken, the Trustees appointed or to be appointed in or by virtue of this Act shall and may, and they are hereby authorized and empowered to erect, or cause to be erected, such and so many Toll Gates and Weighing Engines upon or across such Parts of the said Turnpike Roads by this Act directed to be maintained and kept in repair, and also such and so many Toll Gates on the Sides of the said Turnpike Roads, and from Time to Time to remove such Toll Gates or Weighing Engines, or any of them, as they the said Trustees shall think proper and expedient, subject nevertheless to such Regulations, Restrictions, and Directions as in this Act or the said recited Acts are laid down, mentioned, or contained concerning the placing or erecting such Toll Gates or Weighing Engines; and also shall and may erect and provide a Toll House, with suitable Buildings and other

other Conveniences, at or near each Toll Gate; and also shall and may take in and inclose from the Sides of the said Roads convenient Garden Spots for the Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House.

Power to take Tolls.

X. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors, and they are hereby authorized and empowered to demand and take, at each and every of the Toll Gates and Side Gates which shall be erected by virtue of this Act, in, upon, or across the said Turnpike Road, or on the Side thereof, before any Horse, Beast, or other Cattle shall be permitted to pass through the same (subject and liable to the several Restrictions and Exemptions contained in this and the said recited Acts), the several Tolls and Duties following; that is to say,

Tolls.

For every Horse, Mule, or Ass, drawing any Coach, Chaise Marine, Barouche, Sociable, Landau, Berlin, Vis-a-vis, Chaise, Phaeton, Curricle, Chair, Whiskey, Calash, Caravan, Hearse, Litter, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, drawing any Waggon, Wain, Cart, Dray, or such like Carriage, the Sum of Sixpence:

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

For every Ox, Cow, or Neat Cattle, not drawing, the Sum of One Penny:

And for every Calf, Hog, Sheep, or Lamb, the Sum One Halfpenny:

Tolls vested in Trustees.

Which said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, levied, applied, disposed of, and assigned in manner directed by the said recited Acts and this Act.

Tolls to be paid but Once a Day.

XI. Provided always, and be it further enacted, That in case the said Toll shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the Turnpikes or Toll Gates hereafter to be erected upon, across, or on the Sides of the said Road, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; but that every Person, on producing a Note or Ticket denoting the Payment of such Toll, shall (except as herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, or Cattle, Toll-free, provided that any such Horse, Beast, or Cattle, as was or were drawing any Waggon, Wain, Cart, Dray, or other such Carriage when the Tolls were paid, be not drawing any such Carriage when returning or repassing.

Number of Tolls limited.

XII. Provided 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 Horse, Beast, or Cattle, for passing on the same Day through the whole Line of the said Road.

Stage Coaches to pay each Time of passing.

XIII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other such Carriage, carrying Goods or Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day, carrying Goods or Passengers for Payment, Hire, or Reward, through any Turnpike or Toll Gate on the said Roads, the Tolls hereby made payable shall be again paid for repassing through such Turnpike or Toll Gate, in like Manner as if no Toll had been before paid.

Post Chaises to pay each Time with new Hiring.

XIV. Provided also, and be it further enacted, That the said Tolls shall be payable for and in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, to be computed as aforesaid, as often as a fresh Hiring thereof shall take place.

Exemptions from Tolls.

XV. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle carrying Milk, or going for or returning after carrying such Milk, or for any Horse, Beast, or other Cattle drawing any Carriage employed in carrying or conveying, or going for or returning after carrying or conveying, on the same Day, any Dung, Mould, Compost, or any Lime, or other Matter or Thing to be used for Manure only for improving Lands, or Stones or other Materials for the Guttering or Draining of Lands, or any Milk, Hay, Straw, Fodder for Cattle, Corn, Apples, or Wood (except Timber), or any Potatoes, Carrots, Turnips, or other Roots or Vegetables, or Vegetable Productions (except Turf), which has or have arisen or grown on Land or Ground in the Occupation of the Owner of any such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, or other Roots or Vegetables, or Vegetable Productions, carried to the House, Barn, Barton, Granary, or Stable of the Owner of such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables, or Vegetable Productions, or from any Part of the Lands and Premises in his Occupation to any other Part of such Lands and Premises, such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables, or Vegetable Productions not having been bought, sold, or disposed of, nor being carried a greater Distance than Two Miles on the said Turnpike Road.

Trustees may reduce the Tolls.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, at their first or any subsequent Meeting or Meetings, to lessen and reduce all or any of the Tolls granted by this Act, to any Sum or Sums of Money not less than One Half of the Amount of the respective Tolls hereby granted, for and during such Times as the said Trustees shall think proper, and afterwards, at any Meeting or Meetings to be held as aforesaid, from Time to Time, as they shall see occasion, to advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the several Tolls granted by this Act.

Plan of the new Roads deposited

XVII. And whereas a Map or Plan of the several new Roads to be made through, over, and across divers Lands and Premises, together with

a Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the County of *Somerset*; be it therefore enacted, That the said Map or Plan and Reference thereto shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may, at all reasonable Times, have liberty to inspect and peruse the same, and take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Reference thereto; and the said Trustees, in making such Roads, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

with the Clerk of the Peace.

XVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to set out and make such of the new Roads respectively as are herein-before described, in, through, across, and over the several Lands, Hereditaments, and Premises, in, upon, over, or through which the same are described, as set out in the said Map or Plan, and of Reference thereto as aforesaid, although such Lands and Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan and Reference thereto, in case it shall appear to any Two or more Justices of the Peace for the said County of *Somerset*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make the new Road conformable to the Plan, notwithstanding Errors or Omissions.

XIX. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such Lands as are herein-before mentioned, and Three several Gardens in the respective Occupations of *William Burrough*, *Samuel Durston*, and *Thomas Summers*, in the said Parish of *Ashcott*, as laid down in the said Map or Plan.

Trustees restrained from pulling down Houses, or making use of Gardens, &c. without Consent, except as herein mentioned.

XX. Provided always, and be it enacted, That in case the said Trustees shall not purchase the said Gardens within the Space of Five Years from the passing of this Act, then and in such Case all the Powers hereby granted for purchasing the same shall thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Trustees restrained from purchasing Gardens after Five Years, without Consent.

XXI. And be it further enacted, That for the Purpose of forming, making, and completing the Line of Road by this Act intended to be made and repaired, all Erections and Encroachments which shall have been

Encroachments.

been made or set up on or from the Waste Lands by the Sides of the said Roads or any of them, within the Space of Twenty Years before the passing of this Act, and within Fifteen Feet of the Centre of such Roads, shall and may be removed by the said Trustees or their Surveyor, or any Person or Persons whom they or he shall appoint, they the said Trustees giving to the Party or Parties continuing or retaining the same Erections or Encroachments, One Calendar Month's previous Notice of their Intention to remove the same; and from and after the Expiration of such One Month's Notice, the Ground on which such Erections or Encroachments stood shall be deemed and considered to be Parts of the said Roads respectively.

Punishing Persons destroying Stakes.

XXII. And be it further enacted, That if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Roads, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Trustees to purchase Lands where less than Two Acres left.

XXIII. And be it further enacted, That in making the new Roads, and in diverting the present Roads by this Act authorized to be made and diverted respectively, in all Cases where the said Trustees shall cut through or take away any Part or Parts of a Field, so as to leave any other Part or Parts thereof of a less Quantity in any One Piece than Two Acres, they shall and are hereby authorized and required, if the Owner or Owners thereof shall desire the same, to treat for and purchase all such Parts so left, and being of less Quantity than Two Acres as aforesaid, in the same Manner and under the same Regulations as are directed by the said recited Acts; and all Persons, and Bodies Politic, Corporate, or Collegiate, are hereby authorized to treat for and convey the same in such Manner and under the like Regulations as are directed by the said Acts in Cases where Trustees or Commissioners are authorized to purchase Lands for the Improvement of Roads; and the said Trustees, after they shall have made such new Roads, or have diverted such present Roads, shall, and they are hereby authorized and required to sell and convey the remaining Part or Parts of such several Lands, in such Manner as they are authorized by the said Acts to sell and convey old Roads.

Application of the Tolls and Money borrowed.

XXIV. And be it further enacted, That out of the Monies which shall arise or be received from the Tolls by the said recited Acts and this Act granted, or out of such Money as shall be borrowed on the Credit thereof, 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 such Monies shall, in the Second Place, be applied in keeping down the Interest of the Principal Monies which may be borrowed on the Credit of this Act, and in erecting Turnpikes and Toll Houses, and in making and amending, altering, turning, widening, improving, and keeping in repair the said Roads, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies to be borrowed by virtue of the said recited Acts.

Application of Compensation Mo-

XXV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased

chased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to 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 *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Money when amounting to 200*l.*

1 G. 4. c. 35.

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

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

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

Where not exceeding 20*l.*

XXVII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, or Persons entitled not being found, the Money to be paid into the Bank.

XXVIII. And be it further enacted, That in case the Corporation or Person or Persons to whom the Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the 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 for what and for whose Use the same is or are received), to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Land, 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 be lawfully entitled to such Land, 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.

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

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

Public Act.

XXXI. 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.

XXXII. And

Commencement and Continuance of Act.

XXXII. And be it further enacted, That this Act shall commence upon and have Continuance from and after the passing thereof 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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