ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 100.

An Act for enlarging the Term and Powers of Two Acts of the Fourth and Twenty-fifth Years of His preſent Majeſty, for repairing the Road from the End of *Stanbridge-lane*, in the Pariſh of *Romſey*, to the Turnpike-road at *Middle Wallop*; and other Roads therein mentioned, in the County of *Southampton*. [3d *July* 1806.]

WHEREAS an Act was made in the Fourth Year of the Reign of His preſent Majeſty, intituled, "An Act for repairing "and widening the Roads from the End of *Stanbridge-lane*, "near a Barn in the Pariſh of *Romſey*, to the Turnpike-road at *Middle* "*Wallop*; and from the Turnpike-road between *Stanbridge-lane* afore- "ſaid, and *Great Bridge*, to the Turnpike-road at *Stockbridge*; and "from the Garden of *Henry Hattat* at *Awbridge*, to the Garden-wall "of *Denys Rolle*, Eſquire, at *Eaſt Tuderley*; and from *Lockerley* Mill- "ſtream to *Eaſt Dean* Gate; and from the ſaid Garden-wall to the "Turnpike leading from *Stockbridge* aforeſaid, in the County "of *Southampton*, to *Saliſbury*:" And whereas another Act was made in the Twenty-fifth Year of the Reign of His ſaid preſent Majeſty, intituled "An Act for enlarging the Term and Powers of an Act "made in the Fourth Year of the Reign of His preſent Majeſty, for "repairing and widening the Roads from the End of *Stanbridge-lane*, "near a Barn in the Pariſh of *Romſey*, to the Turnpike-road at *Middle* "*Wallop*; and from the Turnpike-road between *Stanbridge-lane* afore- "ſaid, and *Great Bridge* to the Turnpike-road at *Stockbridge*; and from "the Garden of *Henry Hattat* at *Awbridge*, to the Garden-wall of *Denys* "*Rolle*, Eſquire, at *Eaſt Tuderley*; and from *Lockerley* Mill-ſtream to "*Eaſt Dean* Gate; and from the ſaid Garden-wall to the Turnpike-

4 Geo. 3. c. 47.

25 Geo. 3. c. 126.

" road leading from *Stockbridge* aforesaid, in the County of *Southampton* " to *Salisbury*." And whereas the Trustees appointed to put the said recited Acts in Execution, have borrowed several considerable Sums of Money on the Credit of the said Acts, which, together with the Tolls collected upon the said Roads, have been duly applied according to the Directions thereof, and great Progress hath been made in repairing and amending the said Roads, but the same cannot be effectually amended and kept in sufficient Repair, and the Money borrowed be repaid, unless the Term and Powers of the said recited Acts be further continued and enlarged. 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 Acts, and all and every the Authorities, Powers, Articles, Rules, Penalties, Clauses, Provisions, Tolls, Privileges, Exemptions, Provisoes, Forfeitures, and Punishments, and all other Matters and Things therein respectively contained, (except such as are hereby varied, altered, or repealed, and as relate to Exemptions from Stamp Duties,) shall be, remain, and continue in full Force and Effect during the Term hereinafter mentioned, for the Purpose of amending, widening, and repairing the Roads thereby directed to be repaired, as fully and effectually to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this present Act, which said Term hereby granted shall be, and is hereby declared to be, subject and liable to the Payment of all Monies now due on the Credit of the said recited Acts, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Acts and this Act, and all Interest due and to become due for the same respectively.

Acts continued.

II. And be it further enacted, That the Honorable *William Temple*, *James Aldridge* Junior, *John Atkins* Junior, *William Atkins*, *Henry Arnold* Clerk, *James Blunt*, *Moses Boom*, *John Brewer*, *Peter Cowdrey*, *William Edney* Junior, *Thomas Edney*, *Philip Emnott*, *William Footner*, *Henry Foote*, *Nathaniel Fletcher* Clerk, *William Galton*, *John Hattatt* Junior, *Henry Hattatt*, *Samuel Newell*, *Marmaduke Sealy*, *John Smith*, *Oilver D'Oyly St. John*, *James Sharp*, *Thomas South* Junior, *Henry Wheable*, *Richard Wilkins*, and *John Wilkins*, (being qualified according to the Directions of the said first recited Act,) shall be, and they are hereby added to and joined with the Trustees appointed by or in pursuance of the said recited Acts, for putting the said Acts into Execution, and are hereby empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees in and by the said Acts, or either of them.

Additional Trustees.

III. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks, and that no Action or Actions which shall be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act or Default of

Trustees may sue in Name of their Clerk.

of such Clerk or Clerks, without the Consent of the Truſtees, or any Five or more of them, at a Public Meeting to be held for that Purpoſe; but the Clerk or Clerks to the ſaid Truſtees for the Time being ſhall be deemed Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, That every ſuch Clerk or Clerks in whoſe Name any ſuch Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be reimburſed and paid, out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and Charges as, by the Event of every ſuch Proceeding, he ſhall be put to or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant.

Clerk to be reimburſed.

IV. And be it further enacted, That where it ſhall be neceſſary to diſtrain for the Recovery of the Tolls authorized to be collected by the ſaid recited Acts, ſuch Diſtreſs ſhall or may be made and taken by the Perſon or Perſons appointed to collect the ſaid Tolls, or by any Surveyor or Surveyors of the ſaid Roads, or by any other Perſon or Perſons appointed by them or either of them, or called upon to aſſiſt; and in caſe any Diſpute, Litigation, or Suit ſhall ariſe, or be had or proſecuted, touching or concerning any ſuch Diſtreſs or the Proſecution thereof, or concerning the Non-payment of the Tolls, no ſuch Surveyor or Collector, or other Perſon or Perſons employed by the ſaid Truſtees, or in any Manner in the Execution of this Act, ſhall be deemed an incompetent Witneſs to prove the Legality of the Diſtreſs, the Non-payment of ſuch Tolls, or to give any other Proof or Evidence concerning the Premiſes, by reaſon of his being ſuch Surveyor or Collector, or employed in the Execution of this Act.

Collectors, &c. may diſtrain for Tolls.

V. And be it further enacted, That from and after the paſſing of this Act, the Exemptions granted by the ſaid recited Acts ſhall be repealed, and that no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty 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 the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Roads doth lie, or any Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners thereof, ſituated within the ſame Pariſh from which ſuch Hay, Straw, or Corn in the Straw, ſhall be removed, or for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, for the Purpoſe only of uſing or repairing the ſame, or in carrying or conveying from Place to Place within the ſame Pariſh, any Mould, Dung, Lime, Marl, Sullage, Compoſt, or other Manure employed in Huſbandry for manuring or improving Land, or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land, or for any Waggons, Wains, Carts, Carriages, or Horſes employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or

General Exemptions

conveying

conveying any Bricks, Lime, Stone, Plaister, Timber, or other Materials to be used for building or repairing any Church, Chapel, House, Out-house, Barn, Stable, or Hovel within the same Parish where such Bricks, Lime, Stone, Plaister, Timber, or other Materials, shall be made, got, or cut down, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or for any Horses going to be, or returning from being shoed, or from any Person going to or returning from his or her 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, nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for, and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption, or for any Horses, Carts, Waggons, or other Carriages employed in the Conveyance of Vagrants sent by legal Passes, or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or other Carriage, or any Horse or other Beast conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Southampton* 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 this Act.

Statute Work.

VI. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Labour on the said Roads shall be, and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Southampton*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk,

or

or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving ſuch Summons) of the Names of the ſeveral Perſons who, within ſuch Pariſh or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams, or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days' Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done at ſuch Days, and at ſuch Times, (not being Hay Time or Harveſt,) and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalties by the ſaid recited Acts are authoriſed or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force or effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective

Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads: All which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For apprehending transient Offenders.

VII. And whereas Persons guilty of Offences against the said recited Acts and this Act, may be Persons unknown to the Collectors, Surveyors, or other Officers under the said recited Acts and this Act; Be it therefore enacted, That it shall be lawful for any of the Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence aforesaid, and to convey him, her, or them, before One or more Justice or Justices of the Peace of the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is, and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Sessions to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for want of such sufficient Security, to commit the Person or Persons so offending to the House of Correction in and for the County, District, or Place where the Offence shall be committed, until he, she, or they shall pay the respective Penalties by him, her, or them incurred for such respective Offence or Offenees, or shall give such Security as aforesaid, provided such Commitment, be not for a longer Term than Three Months.

Preventing Materials being taken away.

VIII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of making or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads before the Surveyor of the said Roads or his Workmen shall have discontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of any Private Ground, and Persons authorised by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Form of Conviction.

IX. And be it further enacted, That every Conviction for Offences against the said recited Acts, or this Act, may be drawn up in the following Form, or to the like Effect, that is to say:

"To wit, } BE it remembered, that on the (*here insert the Day of the Month, and the Year of Our Lord, and the King's Reign,*) *A. B.* is convicted before me *C. D.* one of His Majesty's

" jesty's Justices of the Peace for the County of on
" his own Confession, or on the Oath of
" a credible Witness, (or and
" credible Witnesses, as the Case may be,) of (*here spe-*
" *cify the Offence and the Time and Place when and where the same was*
" *committed,*) contrary to the Form of the several Acts of Parliament
" passed for repairing and widening the Roads from the End of *Stan-*
" *bridge-lane*, near a Barn in the Parish of *Romsey*, to the Turnpike-
" road at *Middle Wallop*; and from the Turnpike-road between *Stan-*
" *bridge-lane* aforesaid and *Great Bridge* to the Turnpike-road at
" *Stockbridge*; and from the Garden of *Henry Hattat*, at *Awbridge*, to the
" Garden-wall of *Denys Rolle* Esquire, at *East Tuderley*; and from
" *Lockerley* Mill Stream to *East Dean* Gate; and from the said Garden-
" wall to the Turnpike-road leading from *Stockbridge* aforesaid in the
" County of *Southampton* to *Salisbury*; and I the said Justice do adjudge
" the said *A. B.* to have thereby incurred the Penalty of
" to be paid, recovered, and applied in Manner directed by the said
" Acts. Given under my Hand and Seal, the Day and Year aforesaid."

Which Conviction shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Application of Compensation if amounting 200*l.*

X. 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 said recited Acts or this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, 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 High Court of Chancery, to be placed to his Account there, *ex Parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be paid 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 or Redemption of the Land-Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled 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 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

countant-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 Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall be, from Time to Time, 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, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where the ſame does not exceed 200*l.* and is not leſs than 20*l.*

XI. 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 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 intitled to the Rents and Profits of the 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 hereinbefore 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 for executing the ſaid recited Acts and 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 any Manner hereinbefore directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20*l.*

XII. Provided always, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as hereinbefore mentioned, ſhall be leſs than the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons, who would for the Time being, have been entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken or uſed, for the Purpoſes of 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;

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 the ſaid recited Acts and 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

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 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.

or if Persons cannot be found, Purchase Money to be paid into the Bank;

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

XIV. Provided always, and be it 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or 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 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.

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

XV. Provided also, and be it 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 Acts and this Act, the Purchase Money

The Court of Chancery may order reasonable Expences of

Purchases to be paid by the Trustees.

Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, as shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying Expences of the Act.

XVI. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act shall be paid by the Trustees for executing the said recited Acts and this Act, or any Five or more of them, out of any Monies already raised by virtue of the said Acts, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in preference to all other Payments whatsoever, together with lawful Interest for the same, until Payment thereof.

Public Act.

XVII. 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 the Act.

XVIII. And be it further enacted, That this Act shall commence upon the Expiration of the Term granted by the said recited Acts, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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