ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

## *Cap.* lxi.

**An Act for more effectually repairing the Roads leading from *Romsey* to *Stockbridge* and *Wallop*, and other Roads therein mentioned, in the County of *Southampton*.** [28th *May* 1827.]

WHEREAS an Act was made in the Fourth Year of the Reign of His late Majesty King *George* the Third, 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 *aforesaid and* Great Bridge, *to the Turnpike Road at* Stockbridge; *and from the Garden of* Henry Hattatt, *at* Awbridge, *to the Garden Wall of* Denys Rolle *Esquire, at* East Tuderley; *and from* Lockerly 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 whereas another Act was made in the Twenty-fifth Year of the Reign of His said late 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 *aforesaid and* Great Bridge, *to the Turnpike Road at* Stockbridge; *and from the Garden of* Henry Hattatt, *at*

4 G. 3. c. 47.

25 G. 3. c. 126.

*at* Awbridge, *to the Garden Wall of* Denys Rolle *Esquire, at* East Tuderley; *and from* Lockerly 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 whereas another Act was made in the Forty-sixth Year of the Reign
46 G.3. c.100. of His said late Majesty, intituled *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: And whereas the Trustees acting in execution of the said recited Acts have borrowed a considerable Sum of Money on the Credit of the Tolls by the said Acts authorized to be collected upon the said Roads, and which Money still remains due and owing, and cannot be paid off, nor can the said Roads be sufficiently amended and kept in repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present
3 G. 4. c. 126. 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 another Act was passed in the Fourth Year
4 G.4. c. 95. 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
5 G. 4. c. 69. 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*: And whereas it is expedient that the said first Three recited Acts should be repealed, and further Provisions made for the Repair of the said 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

**Repeal of the first Three recited Acts.**

Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed.

**This Act to take effect for repairing the Roads herein described.**

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 amending and maintaining in repair the Roads herein-after described; (that is to say,) the Road leading from the Public House called *The Duke's Head* in the Parish of *Romsey Extra*, over *Timsbury Bridge*, and through the Parishes of *Timsbury*, *Mitchelmersh*, and *Kingsomborne*, to the Town of *Stockbridge*; and the Road leading from a certain Barn called *The Lone Barn*, in the Tything of *Stanbridge* in the said Parish of *Romsey Extra*, to a certain Messuage and Garden in the Occupation of *David Fay*, called *Hattatt's Garden*, in the Tything of *Awbridge* in the said Parish of *Mitchelmersh*, and from thence through Part of the said Parish of *Mitchelmersh*, the Parish of *Mottisfont*, and Parts of the Parishes of *East Tuderly*,

*Tuderly*, *Broughton*, and *Nether Wallop*, in the said County of *Southampton*, to the Turnpike Road leading from *Salisbury* to *Andover*; and also the Road from the said Premises called *Hattatt's Garden* in the said Tything of *Awbridge*, through Parts of the said Parishes of *Mitchelmersh* and *Mottisfont*, and Part of the Parish of *Lockerly* in the said County, to *Lockerly Mill Stream*, and from thence through Part of the said Parish of *Lockerly*, and Parts of the Parishes of *East Tuderly* and *West Tuderly* in the said County, and Part of a certain Extra-parochial Place called *Buckholt* in the said County, to the Turnpike Road leading from *Salisbury* to *Stockbridge*; and also the Road from *Lockerly Mill Stream* aforesaid, through Part of the said Parish of *Lockerly*, to *East Dean Gate* in the said County; and the said Roads shall be called "The *Romsey*, *Broughton*, *Stockbridge*, and *Wallop* Roads."

Powers of 3, 4, & 5 G. 4. extended 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 Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof respectively as are expressly 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, and the Power or Provision therein contained, shall respectively 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.

Term and Tolls of this Act liable to Debts due under former Acts.

IV. And be it further enacted, That this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said first Three recited Acts shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Bonds, Contracts, &c. under former Acts to remain in force.

V. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said first Three recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed

performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first Three recited Acts, with or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said Acts, or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and the several Tolls due and payable under the said first Three recited Acts shall and may be collected and received, and all Powers and Authorities vested in the Trustees acting under the said first Three recited Acts shall and may be executed by the said Trustees, until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said first Three recited Acts.

Persons employed under former Acts to account to Trustees of this Act.

VI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Books used under former Acts to be Evidence.

VII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first Three recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first Three recited Acts had not been repealed.

Appointment of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Southampton*, together with *James Aldridge*, *William Atkins*, *William Atkins* junior, the Right Honourable *William Sturges Bourne*, *Edward Pery Buckley*, *Francis Bailey*, *Robert Bristow*, *Thomas Bradby*, *John Blundell*, *John Blundell* junior, *John Bradby*, *James Blunt*, *Walter Blunt*, *William Brookman*, *John Brewer*, *Henry Combe Compton*, *Thomas Coleman*, *Thomas Comley*, *William Charles Daman*, *William Daman*, *George Eyre*, *Philip Emmott*, *James Edwards*, *John Fleming*, *Job Fifield*, *Job Fifield* junior, *William Fifield*, *William Footner*, *William Andrews Footner*, *Isaac Lyon Goldsmid*, *Peter Green*, *Josiah George*, *William Gutch*, *Thomas Hobbs*, *Philip Hibbs*, *Charles John Hall*, *Thomas Hall*, *Henry Hall*, *Henry Hattatt*, *James Judd*, *Joseph Jackson*, *Edward Jones* junior, *John Ingram Lockhart*, *James Lockhart*, *William Henry Lintott*, *William Lintott*, *George Lawrence*, Sir *Charles Mill* Baronet, *Charles Morris*, the Right Honourable *Henry John* Viscount *Palmerston*, *John Storey Penleaze*, *Thomas Penton* Clerk, *William Sloane Stanley*, *Oliver D'Oyley St. John* Clerk, *John Smith* Clerk, *Mortimer Smith*, *Benjamin*

*jamin Sharp, Samuel Sharp, William Sharp, Marmaduke Sealy* Clerk, *William Seward Trodd, Joseph Tomkins, William Undy, Charles Baring Wall, Henry Woodcock* Doctor in Divinity, *Henry Wheable, Joseph White, Godwin Withers, William Young, William Young* junior, *John Young*, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and maintaining the said Roads, and for otherwise putting this Act in execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Town Hall or some other convenient Place in the Town of *Romsey* in the County of *Southampton*, on the First *Thursday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places as they shall think proper.

Present Officers to continue in Office.

XI. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said first Three recited Acts, or either of them, shall hold and enjoy such their several and respective Offices and Employments until they shall respectively die or resign the same, or shall be removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Treasurer and Clerk not to be the same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or

or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks 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 or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, 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 or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, 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 or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every 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 erect Toll Gates, Side Bars, Weighing Machines, &c.**

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

**Power to take Tolls.**

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be

standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Sides or Side of the said Roads, or any Part or Parts thereof, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse or other Beast drawing any Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, laden or unladen, and not drawing any Carriage, the Sum of Three Halfpence:

For every Ox, Cow, or Neat Cattle, the Sum of Three Farthings:

For every Calf, Hog, Sheep, or Lamb, the Sum of One Halfpenny:

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

Tolls to be paid only Once a Day.

XV. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Turnpikes or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment of such Toll on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through all other Toll Gates, Turnpikes, and Side Gates upon the Line of the said Roads, at any Time or Times during the same Day (to be computed as aforesaid); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Horses drawing different Carriages to pay each Time of passing.

XVI. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Toll Gates, Turnpikes, or Side Gates, Side Bars or Chains, returning the same Day through the same Toll Gates, Turnpikes, or Side Gates, Side Bars or Chains, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, the same Day; any thing herein contained to the contrary notwithstanding.

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

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

Post Chaises to pay on every fresh Hiring.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable

payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Application of Tolls.

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

Application of Compensation Money when amounting to or exceeding 200*l.*

XX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements,

1 G. 4. c. 35.

or

or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

**XXI.** Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity; with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such

Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

**Where under 20*l.***

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Roads, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

**In case of disputed Titles.**

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any

Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act, as aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

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

Public Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

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

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